



**City of Medina**

501 Evergreen Point Road, Medina, WA 98039  
Phone: (425) 233-6400 Fax: (425) 451-8197

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**STAFF ANALYSIS AND RECOMMENDATION  
WHITTEN NON-ADMINISTRATIVE TREE REMOVAL PERMIT**

Prepared by: Tom Early  
Date: August 20, 2014

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**Summary of Recommendations:** Recommend approval, subject to conditions

**Part 1 – General Information:**

CASE NO: TREE14-010

LOCATION: 8335 Overlake Drive West

TAX PARCEL NUMBER: 2018700246

PROPERTY OWNER: Greg and Michelle Whitten

APPLICANT: Stephen Rising (agent)

LEGAL DESCRIPTION: DE VRIES LK WASHINGTON TRS UNREC SELY 25 FT TR C ALL TR D & SH LDS ADJ

PROPOSAL: Remove a 74-inch diameter at breast height Giant Sequoia (redwood) tree on private property.

ZONING: Single-family Residence, R-30

COMPREHENSIVE PLAN DESIGNATION: Single Family Residential

SHORELINE DESIGNATION: Residential Environment

CRITICAL AREAS: None where the tree is located.

ENVIRONMENTAL (SEPA) REVIEW: The Responsible Official has determined this proposal for tree removals is exempt from state environmental policy act (SEPA) review pursuant to WAC 197-11-800(1).

EXHIBITS:

1. Staff Report
2. Non-administrative Tree Removal Permit Application
3. Site Plan
4. Site Photos

5. Legal Notices
  - a. Notice of Complete Application, dated July 10, 2014
  - b. Notice of Application, dated July 15, 2014
  - c. Notice of Hearing, dated August 11, 2014
6. Public Comments
7. List of Suitable Tree Species for Private Property Replacement and Public Right-of-way Planting, revised February 2007
8. E-mail from Stephen Rising regarding vesting

EXISTING CONDITIONS: The property slopes downward towards Lake Washington in a northeast to southwest direction of which the steepest areas are located near Overlake Drive West. The subject tree is positioned in an area of moderate slopes, adjacent to an intact low concrete retaining wall next to a driveway.

SURROUNDING ZONING:

Direction	Zoning	Present Use
Northeast	R-16	Residential
Southwest	Not Applicable	Lake Washington
Southeast	R-30	Residential
Northwest	R-30	Residential

ACCESS: Ingress and egress is from Overlake Drive West.

**Part 3 – Comprehensive Plan:**

It is the basic policy of the City to retain and promote the high-quality residential setting that has become the hallmark of the Medina community.

The following comprehensive plan goals and policies apply to the proposed project:

GOAL LU-G1: To maintain Medina’s high quality residential setting and character.

GOAL NE-G1: To achieve a well-balanced relationship between the built and natural environment utilizing guidance derived from the best available science.

GOAL CD-G1: To retain Medina’s distinctive and informal neighborhood development pattern.

Policy CD-P5: Residents are urged to consult with the City and with their neighbors on both removal and replacement of trees and tree groupings to help to protect views and to prevent potential problems (e.g., removal of an important tree or planting a living fence).

**Part 4 – Shoreline Management Master Program:** (Note: a revised shoreline master program went into effect on April 18, 2014).

The goals and policies for shoreline development are set forth in Chapter II of the Medina Shoreline Management Master Program (SMP). The primary goal of the Medina Shoreline Master Program is “to preserve Medina’s shoreline for single-family residential use, in a manner that also protects and preserves the natural features along the shoreline and the quality of Lake Washington.” Additionally, SMP Chapter III states, “the natural features of Medina’s shoreline

are compatible with low-density residential uses and will be preserved if Medina’s shoreline is developed consistent with the policies of this Shoreline Management Master Program.”

The following goals and polices of the Shoreline Master Program apply to this proposal:

II.A *Residential:*

GOAL: To preserve Medina’s shoreline for single family residential use, in a manner that also protects and preserves the natural features along the shoreline and the quality of Lake Washington.

II.B *Shoreline Conservation:*

GOAL: To preserve and protect the resources and amenities of Lake Washington for use and enjoyment by present and future Medina citizens consistent with property rights.

Policy 2: Future substantial development of the shoreline shall be designed and constructed to minimize adverse effects on the natural systems, including aquatic habitants.

**Part 5 – Agency Review/ Public Comment:**

NOTICES: (See Exhibit 5)

Application Received:	June 5, 2014*
Determination of Completeness:	July 10, 2014*
Notice of Application:	July 15, 2014
Notice of Hearing:	August 11, 2014

The application for a non-administrative tree removal permit was received on June 5, 2014. The application was determined complete on July 10, 2014, pursuant to MMC 20.80.100(F). A Notice of Application was issued on July 15, 2014, pursuant to MMC 20.80.110(A). The notice for the Type 3 decision on a non-administrative tree removal permit was combined with the notice for a Type 2 decision on a right-of-way tree trimming/ removal permit. A 14-day comment period was utilized to receive public comments on the proposal. The notice was mailed to nearby property owners consistent with MMC 20.80.140(B)(2), posted on the site and other public notice locations (City Hall, Medina Post Office, Medina Park Posting Board, and City website) on July 15, 2014.

A Notice of Hearing for the Type 3 decision on the non-administrative tree removal permit was issued on August 11, 2014. The notice was published in *The Seattle Times* newspaper, mailed to nearby property owners consistent with MMC 20.80.140(B)(2), posted on the site and other public notice locations (City Hall, Medina Post Office, and Medina Park Posting Board, City website).

*\*The application received/ completeness date for purposes of vesting will be discussed further in Part 6 Staff Analysis.*

General Public Comments: As of August 20, 2014

Who	Summary of Comments
Matthew Wong/ 214 84 <sup>th</sup> Ave NE Medina	Requested to know if there was a way to alter the driveway and retain the tree
Robert Rudolph/ 1455 Evergreen Point Road, Medina	Objected to the tree removal unless the required mitigation requirements are met.
Miles Adam/ 8624 NE 10 <sup>th</sup> Street Medina	Urges the Hearing Examiner to reject the request because the tree is irreplaceable and in excellent health.

**Part 6 – Staff Analysis**

## VESTING:

1. The applicant submitted a request on February 11, 2014, to have nine trees assessed on the property by the city arborist to determine if they qualified for a hazardous tree designation. This request included the Giant Sequoia tree that is the subject of this permit application. (Note: the hazard rating on the Giant Sequoia is the subject of appeal File No. PL 14-009, referenced as HEA 2014-01 in hearing examiner orders).
2. Subsequently, the applicant submitted an administrative tree removal permit on April 14, 2014, that included all of the significant trees to be removed on the private property including the Giant Sequoia tree. The applicant specifically applied by this submittal date in order to vest their tree removal application under the old Medina Shoreline Master Program (see Exhibit 8).
3. City staff reviewed the administrative tree removal permit application with the Giant Sequoia included and determined it complete on April 30, 2014 (see Exhibit 5). The City subsequently informed the applicant that the Giant Sequoia tree required separation from the administrative tree removal permit application due to the requirement that a 50-inch diameter at breast height size tree and larger require approval of a non-administrative tree removal permit. While the error of including the Giant Sequoia tree with the administrative tree removal permit application is with the applicant, the City is not contesting the applicant's April 14, 2014 vesting date. This means the non-administrative tree removal permit application was reviewed under the old shoreline master program in effect on this date.
4. See Analysis 11 for vesting under the Medina Tree Code.

## GENERAL:

5. Gregory and Michelle Whitten are the taxpayers of record for the property at 8335 Overlake Drive West according to King County Assessor's records. The parcel is generally rectangular and is approximately 240 feet in depth and approximately 125 feet in width. The subject parcel is zoned Single-family Residence R-30 and contains 32,000 square feet of land adjacent to the Lake Washington shoreline.
6. The applicant is redeveloping the property by increasing the size of the existing single-family home and other site improvements. This includes construction of a new elongated driveway to reduce the slope of the existing driveway. The current driveway is one-foot of descent for every 3.5-feet of horizontal run and the proposed driveway is no steeper than one-foot of descent for every five-feet of horizontal run. The elongation of the driveway will bring the

driveway southwestward, to within a foot of the Giant Sequoia tree. The existing driveway has an 18-inch tall wall approximately six-feet from the tree trunk. The new driveway design will reduce the surface area of the pavement of the driveway by removing the “loop” and replacing it with a non-loop design, approximately 13-feet wide, with a parking court.

7. Redwoods are very tall, evergreen, coniferous family of trees that consist of three genera species: *Sequoia*, *Metasequoia* and *Sequoiadendron*. The subject tree is of the *Sequoiadendron giganteum* species and is known as the Giant Sequoia. The Giant Sequoia tree is native to the western slopes of the Sierra Nevada mountain range of California. Giant sequoias grow to an average height of 164 to 279 feet and 20 to 26 feet in diameter.
8. A site visit by staff visually inspecting the tree did not identify the tree at this time causing damage to adjacent and nearby structures. However, the applicant identified the roots of the tree as having damaged a retaining wall in two places and having damaged an adjacent sidewalk and the driveway. While tree roots are known to cause damage to nearby structures, as a tree grows bigger, it is unclear to what extent the Giant Sequoia tree has caused damage to adjacent structures.
9. The site visit indicated that the tree affords a small amount of privacy screening from the south property. The applicant has proposed a planting plan that will re-establish this privacy screening by planting three evergreen trees in the approximate location of the Giant Sequoia tree after it is removed.
10. In addition to the non-administrative tree removal permit, the applicant has also submitted applications for an administrative tree removal permit to remove 8 significant trees on private property and a right-of-way tree trimming/ removal permit to remove 3 trees within the public right-of-way. To meet the replacement requirements set forth in MMC 12.28.060, the applicant will plant 17 trees in the right-of-way and 29 trees on the private property (plus the two trees identified in Analysis 18). The balance of the replacement requirements will be satisfied by the property owner contributing \$11,875 to the Medina Tree Fund. These requirements are separate from the replacement requirements for the Giant Sequoia. The table below isolates the removals and mitigation for each of the tree permits applied for on this property. All of the replacement trees being planted are in accordance with the *City of Medina List of Suitable Tree Species for Private Property Replacement and Public Right-of-way Lists 1, 4 and 6* in effect at the time the permit applications vested (see Exhibit 7).

	Significant Trees Removed	Replacement Inches Required	# of Trees to be Planted	Replacement Inches Planted	Remaining Replacement Inches	Payment to Medina Tree Fund
Admin Tree Remove Permit # TREE14-007	8	162.5	29	115	47.5	\$11,875
Non-admin Tree Remove Permit # TREE14-010	1	148	2	8	140	\$56,000
ROW Tree Trim/ Remove Permit # TREE14-011	3	60	17	60	0	0

NON-ADMINISTRATIVE TREE REMOVAL PERMIT:

11. The City Council amended the Medina Tree Code and the *City of Medina List of Suitable Tree Species for Private Property Replacement and Public Right-of-way* by Ordinance No. 909, which went into effect on June 18, 2014. However, the applicant's non-administrative tree removal permit application is vested under the regulations in effect on April 14, 2014. Although, the Giant Sequoia tree is subject to the outcome of the hearing examiner's decision on the hazard tree rating appeal File No. PL 14-009, under the Medina Municipal Code in effect at the time of vesting, a tree receiving a hazardous rating from the City arborist was not exempt from the requirement to obtain a tree removal permit.
12. Pursuant to MMC 12.28.055, a non-administrative tree removal permit is required for the removal of a significant tree on private property when the tree has a 50-inch diameter at breast height or greater in size and the tree is not located within the new building footprint on properties undergoing development. The Giant Sequoia tree is greater in size than 50-inch diameter breast height and is not located within a new building footprint. Non-administrative tree removal permits are processed pursuant to MMC 20.72.100.
13. MMC 20.72.100 sets forth review procedures for a non-administrative tree removal permit as a Type 3 decision pursuant to the procedures in Chapter 20.80 MMC. The approval criteria for a non-administrative tree removal permit are set forth in MMC 20.72.100(E).
14. Pursuant to MMC 20.80.060(C), non-administrative tree removal permit applications are processed as a Type 3 decision. The Hearing Examiner is authorized to hear and decide non-administrative special use permit applications pursuant to MMC 20.80.060(C).

MEDINA TREE CODE:

15. MMC 12.28.020 defines significant trees as any tree with at least one trunk of 10 inches in diameter or greater measured as diameter breast height and of a species noted as being a significant tree based on the document "City of Medina List of Suitable Tree Species for Private Property Replacement and Public Right-of-way." All coniferous trees are considered a significant tree species unless excluded on List 3 of the suitable tree species list. The Giant Sequoia is not excluded from the list and therefore is defined as a significant tree subject to the requirements of Chapter 12.28 MMC.
16. MMC 12.28.060(C) sets forth the replacement requirements for significant tree removals of 36-inch diameter at breast height and greater from private property. Replacement is calculated at 200 percent of the total diameter inches of the removed tree. A 74-inch diameter breast height tree will require 148 inches of replacement. Note: the requirements for replacement will not apply pursuant to MMC 12.28.060(E) if the City's determination of a non-hazard rating for the tree is overturned by appeal File No. PL-14-009.
17. The applicant may satisfy the 148 inches of replacement requirements by planting replacement trees of four-inch diameter breast height each or through a contribution to the Medina tree fund at the rate of \$400 per replacement inch. However, if the applicant options to contribute to the Medina tree fund, they are still required to plant at least two four-inch diameter breast height trees. Conifers trees are required to be at least 10 feet in height at the time of final inspection. Additionally, at least 50 percent of the replacement trees planted must be of the same genus as the tree being removed.

18. Pursuant to MMC 12.28.050(H), replacement trees are reviewed for consistency with the *Medina Suitable Tree Species List for Private Property Replacement and Public Right-of-Way Plantings*. Pursuant to List 2 of the suitable tree species list, the Giant Sequoia is not recommended as a replacement tree due to “the ultimate size and density of the tree is a limiting factor especially since this tree has the potential to block views and interfere with utility lines” (see Exhibit 7). The applicant will meet the replacement requirement by planting two four-inch diameter at breast height Eddie’s White Wonder Dogwood trees (*Cornus nuttallii x florida*). The Eddie’s White Wonder Dogwood is a hybrid and is a cross between the native Western Dogwood and the Eastern North American species, which is resistant to dogwood anthracnose. The applicant will also contribute \$56,000 to the Medina Tree Fund relating to removal of the Giant Sequoia tree.

#### SHORELINE MASTER PROGRAM:

19. The Giant Sequoia tree is located approximately 170-feet from the ordinary high water mark of Lake Washington. Pursuant to RCW 90.58.030(2)(d) and (e), the location of the tree is defined as shoreline jurisdiction and is subject to the Medina Shoreline Management Master Program (SMP). The re-development of the property, including removal of the Giant Sequoia, was determined exempt from the requirement for a substantial development permit pursuant to WAC 173-27-040(2)(g), which includes construction by owner of a single-family residence.
20. The property is subject to the string-line shoreline setback pursuant to Chapter 17.38 MMC. The Giant Sequoia tree is located outside of the shoreline setback area. The general regulations in Section IV(B)(10) of the Medina Shoreline Master Program encourages landscaping as a method of retaining a sense of nature in developed shoreline areas. The applicant will be replacing the Giant Sequoia with two significant tree species closer to the shoreline. Overall, the applicant will be planting a total of 16 trees within the shoreline jurisdiction to account for the removal of 7 trees within the shoreline jurisdiction.
21. The subject Giant Sequoia tree has not been identified as a Bald Eagle or other species of concern nest, or perch, by Washington Department of Fish and Wildlife Priority Habitat and Species according to their interactive map that is found at <http://wdfw.wa.gov/mapping/phs/disclaimer.html>. A site visit confirmed the lack of a nest or use of the tree as a perch by bald eagles or other species of concern.

#### Part 7 – Conclusions

1. The proposal to remove a 74-inch diameter at breast height Giant Sequoia tree requires a non-administrative tree removal permit pursuant to MMC 12.28.055. The hearing examiner has authority to decide a non-administrative tree removal permit after holding a public hearing pursuant to MMC 20.80.060(C). Proper notice for the hearing was provided consistent with the requirements set forth in MMC 20.80.120. Notice was posted on the property, mailed to property owners consistent with MMC 20.80.140(2) and published in the *Seattle Times* newspaper on August 11, 2014, which is more than 15 days in advance of the hearing date.
2. The proposed tree is located within the shoreline jurisdictional limits established by RCW 90.58.030. The removal of the Giant Sequoia tree falls under the exemption from a substantial development permit set forth in WAC 173-27-040(2)(g) for construction of a single-family residence by the owner. However, compliance with the State Shoreline

Management Act (Chapter 90.58 RCW) and the Medina Shoreline Management Master Program remains a requirement. The Medina Shoreline Management Master Program contains goals and policies that require development, including the removal of trees, to minimize adverse effects on the natural systems. The Giant Sequoia was not identified as a nesting tree for protected species and the applicant will mitigate for the loss of the tree by planting two trees within the shoreline jurisdiction.

3. Pursuant to MMC 20.72.100(E), the hearing examiner shall not approve a non-administrative tree removal permit unless the following criteria are satisfied:

- A. *The proposal is compatible with Chapter 3, Community Design Element, of the comprehensive plan.*

CONCLUSION: Chapter 3, Community Design Element, of the Comprehensive Plan sets forth goals and policies to improve local neighborhoods and landscapes that build a strong sense of place. The City's design objective is to maintain the natural, low-density, and informal appearance of the city. Property owners are encouraged to use the Preferred Landscaping List to landscape their property. The *City of Medina List of Suitable Tree Species for Private Property Replacement and Public Right-of-way* contains a list of preferred tree species to be planted in order to receive replacement credit. The applicant has selected planting two dogwood trees as replacement trees, which is consistent with this chapter. Other provisions of this chapter pertain to street landscaping and historical trees, which are not applicable to this proposal. The proposal meets this requirement.

- B. *The proposal is consistent with the public interest in maintaining an attractive and safe environment.*

CONCLUSION: The Giant Sequoia species has been identified as a tree whose ultimate size and density is a limiting factor especially since this tree has the potential to block views and interfere with utility lines. While utility lines are not an issue here, the continued growth of the tree increases potential risk of losing the top and blocking upland property views. Replacing the redwood tree with two dogwood trees furthers the public interest by replacing a tree that is not recommended because of its size with two trees that are more appropriate in size for the community. The proposal meets this requirement.

- C. *The tree removal will have no materially detrimental effects on nearby properties.*

CONCLUSION: The removal of the 74" Sequoia will enhance nearby properties access to potential views and sun. Removal of the tree will eliminate potential damage to the roof, foundation and underground utilities of the neighboring property to the south. The proposal meets this requirement.

- D. *Tree replacement is provided in accordance with Chapter 12.28 MMC standards for removed trees.*

CONCLUSION: The applicant will meet the requirements for tree replacement by planting two four-inch caliper dogwood trees and by contributing \$56,000.00 to the Medina Tree Fund. This meets the replacement requirements set forth in MMC 12.28.060. The proposal meets this requirement.

E. *All other ordinances, regulations and policies applicable to tree removal are followed.*

CONCLUSION: The tree is located within the shoreline jurisdiction. The tree has not been identified as being a habitat for protected species and the planting of two dogwood trees within the shoreline jurisdiction will offset the loss of the tree. The removal of the tree will not have an adverse impact on the natural systems and its location 170-feet away from the shoreline outside of the shoreline setback area will not negatively affect the aquatic environment. The proposal meets this requirement.

## Part 8 – Staff Recommendation

Staff recommends approval of the non-administrative tree removal permit (File No. TREE14-010) to remove a Giant Sequoia tree at 8335 Overlake Drive West, subject to the following conditions:

1. Replacement shall be consistent with the requirements set forth in MMC 12.28.060. The applicant shall plant two replacement trees consistent with the plans set forth in Exhibit 3. Replacement trees shall be separated at least 10 feet apart from other trees to allow individual trees to mature.
2. The applicant shall guarantee that the replacement trees are healthy and viable for three years after final inspection. If a replacement tree becomes unhealthy or not viable for long-term survival during this time, the property owner shall notify the City and the City may require the planting of another replacement tree consistent with City requirements. An inspection by the City may be required at the end of the three-year period to verify the replacement trees are healthy and viability.
3. Tree removal shall be performed by a Washington licensed tree service contractor. All costs of removal shall be at the applicant's expense.
4. Contact the City's tree consultant prior to starting construction work on the property for a pre-construction meeting to ensure neighbor's significant trees are protected during construction activity and after replacement trees are planted for a final inspection to verify compliance with the conditions of this permit.
5. This permit shall expire after 18 months from the later date of the decision being issued or an appeal becoming final.

Report prepared by:

\_\_\_\_\_  
Tom Early  
Tree Consultant

Date: 8/20/14

PERMIT NO. TREE-14-010  
 ACCEPTED mm DATE 6/12/14  
 APPROVED \_\_\_\_\_ DATE \_\_\_\_\_  
 ISSUED \_\_\_\_\_ DATE \_\_\_\_\_  
 VARIANCE \_\_\_\_\_ DATE \_\_\_\_\_  
 EXEMPT \_\_\_\_\_ DATE \_\_\_\_\_

**City of Medina**  
**TREE REMOVAL**  
**APPLICATION FOR PLAN EXAMINATION AND PERMIT**  
 In Compliance with MMC Chapter 12.28

\*Medina Municipal Code regulations which may apply to Tree Removal permit applications can be found in the following:

- Chapter 12.28, Tree Code
- Chapter 18.12, Environmentally Sensitive Areas
- Chapter 18.16, Trees - View and Sunlight Obstruction

*TYPE 3 non-administrative*

PLEASE TYPE OR PRINT:

PROPERTY ADDRESS	<u>8335 Overlake</u>	PHONE	<u>425 451-9303</u>
PROPERTY OWNER	<u>Greg &amp; Michelle Whitten</u>	CITY / ZIP	<u>Medina 98039</u>
MAILING ADDRESS	<u>P.O. Box 329</u>	PHONE	<u>206 622-3830</u>
OWNER'S AGENT	<u>Stephen Rising</u>	CITY / ZIP	<u>Sea 98145</u>
ADDRESS	<u>6211 Roosevelt Way</u>	PHONE	<u>206 465-2540</u>
DESIGNER	<u>Margarett Harrison</u>	CITY / ZIP	<u>Seattle 98109</u>
MAILING ADDRESS	<u>Jill Western</u>	PHONE	
CONTRACTOR		CITY / ZIP	
MAILING ADDRESS			

**ALL SUBMITTALS MUST INCLUDE THE FOLLOWING:**

- Completed Application (this form)
- Tree removal calculations sheet, attached to this form
- Tree Preservation plan, per Sec. 12.28.070, (if applicable)
- Drawings: Three (3) full sized copies of a dated & titled site plan must be submitted with this application. Drawings must include all information itemized on the attached list of submittal requirements.

**INCOMPLETE SUBMITTALS WILL CAUSE DELAY IN REVIEW PROCESS**

I certify under penalty of perjury that I am the owner of the above property or the duly authorized agent of the owner(s) acting on behalf of the owner(s) and that all information furnished in support of this application is true and correct. I further certify that all applicable federal, state, county, and City of Medina requirements for the work authorized by this permit will be met.

Signature *Greg Whitten* Owner  Agent \_\_\_\_\_ Date 6-12-2014

CITY USE ONLY			
REVIEWED BY: _____	DATE APPROVED: _____		
LETTER OF APPROVAL/EXEMPTION, DATE: _____	DATE EXEMPTED: _____		
ALL CONDITIONS OUTLINED IN LETTER OF APPROVAL ARE HEREBY MADE REQUIREMENTS OF THIS PERMIT AND SHALL BE IMPLEMENTED UPON ISSUANCE OF PERMIT. PERMIT IS ISSUED SUBJECT TO ALL DEED AND PLAT RESTRICTIONS, CITY OF MEDINA ORDINANCES, AND THE STATE BUILDING CODE.			
APPLICATION FEE PAID: <u>Hex 1700</u> <u>1500</u>	DATE PD.: <u>6/12/14</u>	RECEIPT NO.: <u>14-0246</u>	
EST. REVIEW FEE: <u>Tech 19.25</u> <u>AD 2.00</u>	DATE PD.: <u>6/12/14</u>	RECEIPT NO.: <u>14-0246</u>	

*5219.75*

TYPE 3 non-administrative

**SIGNIFICANT TREE REMOVAL (Trees to be tagged on site)**

1. 10 Number of existing "Significant Trees", per Sec. 12.28.020, within the subject Property and Street Right-of-Way.
2. 10 Number of existing "Significant Trees" within the subject property and Street Right-of-Way, proposed for removal.
3. 204 Total diameter inches of trees to be removed.
4. 310.5 Total diameter inches of replacement trees required per Sec. 12.28.060.
5. 115 Total proposed diameter inches of replacement trees, per Sec. 12.28.060 (measured at Diameter breast height (DBH) per Sec. 12.28.020).

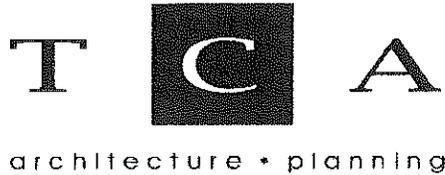
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**TREE REMOVAL PERMIT APPLICATION  
SUBMITTAL REQUIREMENTS**

\*See first page of application for list of Medina Municipal Code regulations which may apply to Tree Removal permit applications.

Submit three (3) dated copies of site plan drawn at 1"=8'-0" or 1"=10'-0". Site plans must include all items listed below:

1. A vicinity map with north arrow.
2. Names of all abutting streets.
3. All property lines and distances.
4. Label all public Right-of-Way areas and all required setbacks.
5. Existing significant trees. Trees must be labeled with genus of tree and caliper size.
6. Location of all known utilities, including overhead wires & utility poles.
7. Clearing & Grading limits.
8. Any existing or proposed development in Right-of-Way, i.e. sidewalks, driveways, fences, walls.
9. Any adjacent improvements within 20 ft. of property line, i.e. driveways, sidewalks.
10. As-built or proposed footprint with roof overhang of buildings, structures, driveways, walkways & other improvements.
11. All proposed improvements affecting the root zone of trees to remain, i.e. irrigation, water lines, Underground power, gas, communication lines.
12. Identify proposed tree mitigation, including Genus, Species, quantity, and size at installation.



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City of Medina  
501 Evergreen Pt Rd  
PO Box 144  
Medina, WA 98039

Attn.: Robert Grumbach, Director of Development Services

12 June 2014

**Re. Type 3 Non Administrative Tree Removal Permit for 74" Sequoiadendron gigantea**

Dear Robert,

Per your request, this letter is for application for Type 3 Non Administrative Tree Removal Permit for 74" Sequoiadendron gigantea.

City of Medina code 12.28.055 identifies that trees over 50-inches require a non-administrative tree removal permit. Owner is requesting removal of a 74 inch Giant Sequoia which will be mitigated per MMC 12.28.060.

Property Owner: Greg and Michelle Whitten  
PO Box 329, Medina, WA 98039  
Phone: (425) 451-9303

Property address: 8335 Overlake Drive West  
Medina, WA 98039

Owners Agent: Stephen Rising  
TCA  
6211 Roosevelt Way NE  
Seattle WA 98115  
(206) 522-3830

Please let me know if additional information is required for this application.

Sincerely,

Stephen R. Rising



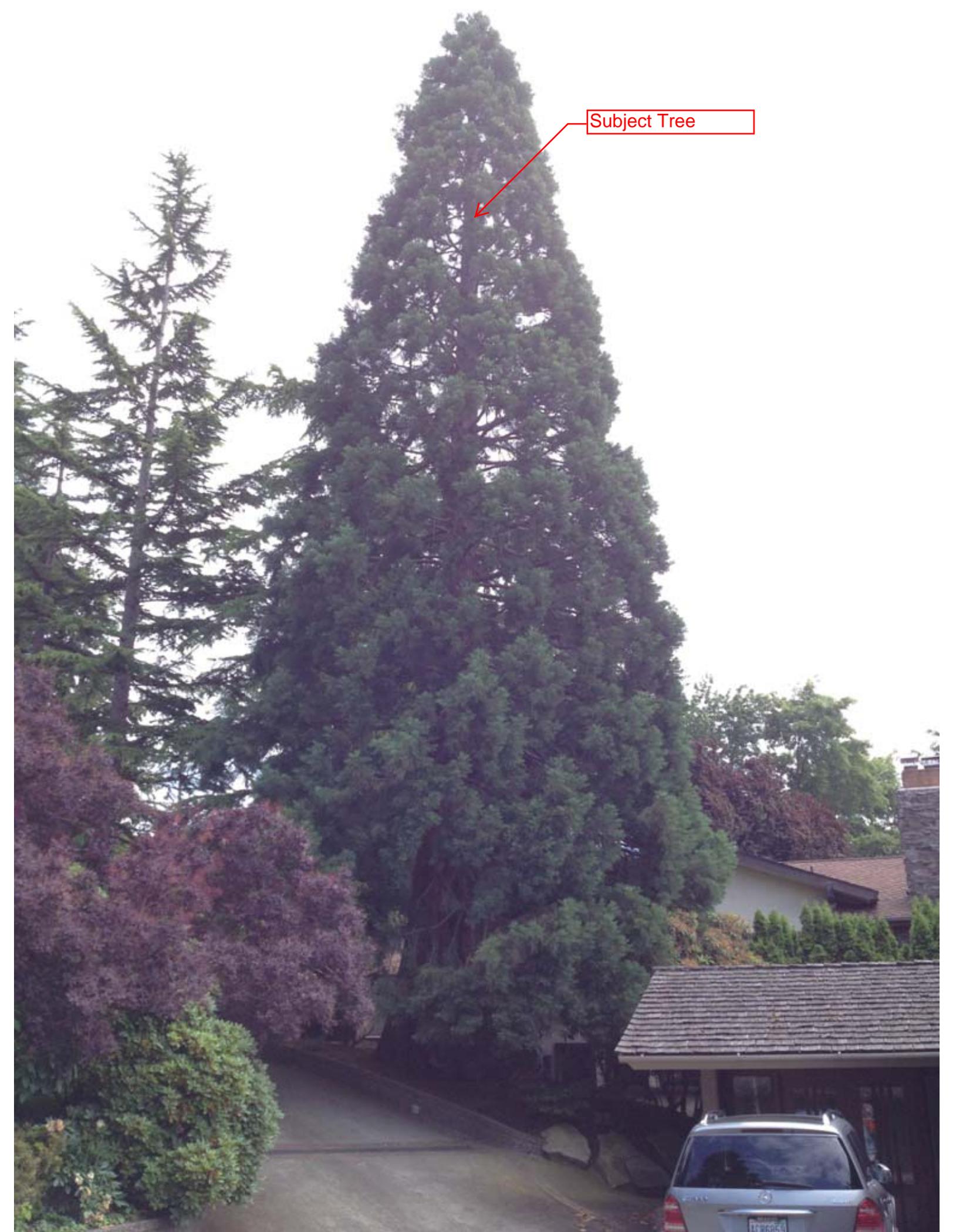
Subject Tree





Subject Tree

Subject Tree



Whitefish  
TREE-14-010

CITY OF MEDINA

DECLARATION OF MAILING

~~TOM EARLY~~ Kristin McKenna does declare as follows:

That s/he is AN EMPLOYEE ~~TREE CONSULTANT~~ of the city of Medina and that on the 16<sup>th</sup> day of JULY 20 14

s/he caused a true and correct legible copy of the following described documents to be mailed to all residences which are within 300 feet of the property in question described by its street address as:

8335 OVERLAKE DR. W.

Description of document:

NOTICE OF APPLICATION FOR TREE 14-010 & TREE 14-011

Signed under the penalties of perjury of the laws of the state of Washington at Medina, Washington this:

16<sup>th</sup> day of July 20 14

Kristin McKenna  
Signature of mailing employee

Whitten  
TREE-14-010

# CITY OF MEDINA DECLARATION OF POSTING

KEN EVJEN does declare as follows:

That s/he is a Public Works employee of the city of Medina and that on the:

16<sup>th</sup> day of July 20 14

s/he caused a true and correct legible copy of the following described documents to be posted at each of the following indicated locations:

km Medina City Hall, 501 Evergreen Point Road, Medina

km City Website

KE Medina Post Office, 816 Evergreen Point Road, Medina

KE Public notice board at Medina Park Northeast 12<sup>th</sup> Street parking lot.

KE At two locations within 300 feet of the property in question described by its street address as follows:

NOTICE OF APPLICATION FOR TREE 14-010 & TREE 14-011

8335 OVERLAKE DR WEST

Description of document:

A copy of the posted item is attached hereto.

Signed under the penalties of perjury of the laws of the state of Washington at Medina, Washington this:

16<sup>th</sup> day of July 20 14

Ken Evjen  
Signature of posting employee



## CITY OF MEDINA

501 Evergreen Point Road, Medina WA 98039

425.233.6400 (phone) 425.454.8490 (fax) [www.medina-wa.gov](http://www.medina-wa.gov)

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July 9, 2014

Stephen Rising  
6211 Roosevelt Way NE  
Seattle, WA 98115

**Re: Notice of Complete Application — Non-administrative Tree Removal Permit  
Application  
File No. TREE14-010**

Dear Mr. Rising,

The City has reviewed your application for a Tree Removal permit, File No. TREE 14-010, for 8335 Overlake Drive West, and has determined the application *complete* at this time pursuant to MMC 12.28.040.

If the plans change, please submit three copies of the revised tree removal and mitigation plans as a revision to TREE 14-007 to Medina City Hall, Attn: Development Services, 501 Evergreen Point Road, Medina, WA 98039.

Please be aware we are tentatively planning to hold the public hearing on this application in late August following issuance of the notice of application and later the notice of hearing.

If any questions or concerns arise, please contact me at 425.250.5346 or [tom.early@otak.com](mailto:tom.early@otak.com).

Sincerely,  
Otak, Incorporated

Tom Early  
Medina Tree Consultant

cc: Robert Grumbach, Donna Goodman, Steve Wilcox, Chris Ruiz, Jenny Ngo



## CITY OF MEDINA

### NOTICE OF APPLICATION

**Proposal:** Remove a 74-inch diameter at breast height redwood tree. Mitigation shall be per MMC 12.28.060.

**File No.** TREE 14-010

**Applicant:** Greg and Michelle Whitten c/o Stephen Rising (agent)

**Address:** City right-of-way adjoining 8335 Overlake Drive West

**Other Permits/Studies:** None

Application Received:	June 5, 2014
Determination of Completeness:	July 10, 2014
Notice of Application:	July 15, 2014

**PUBLIC COMMENT PERIOD:** A 14-day public comment period is being utilized for this application. Persons wishing to provide written comments on this proposal must submit them by **5:00 pm, Wednesday, July 30, 2014**, at the address listed below. A copy of the file is available at city hall upon request.

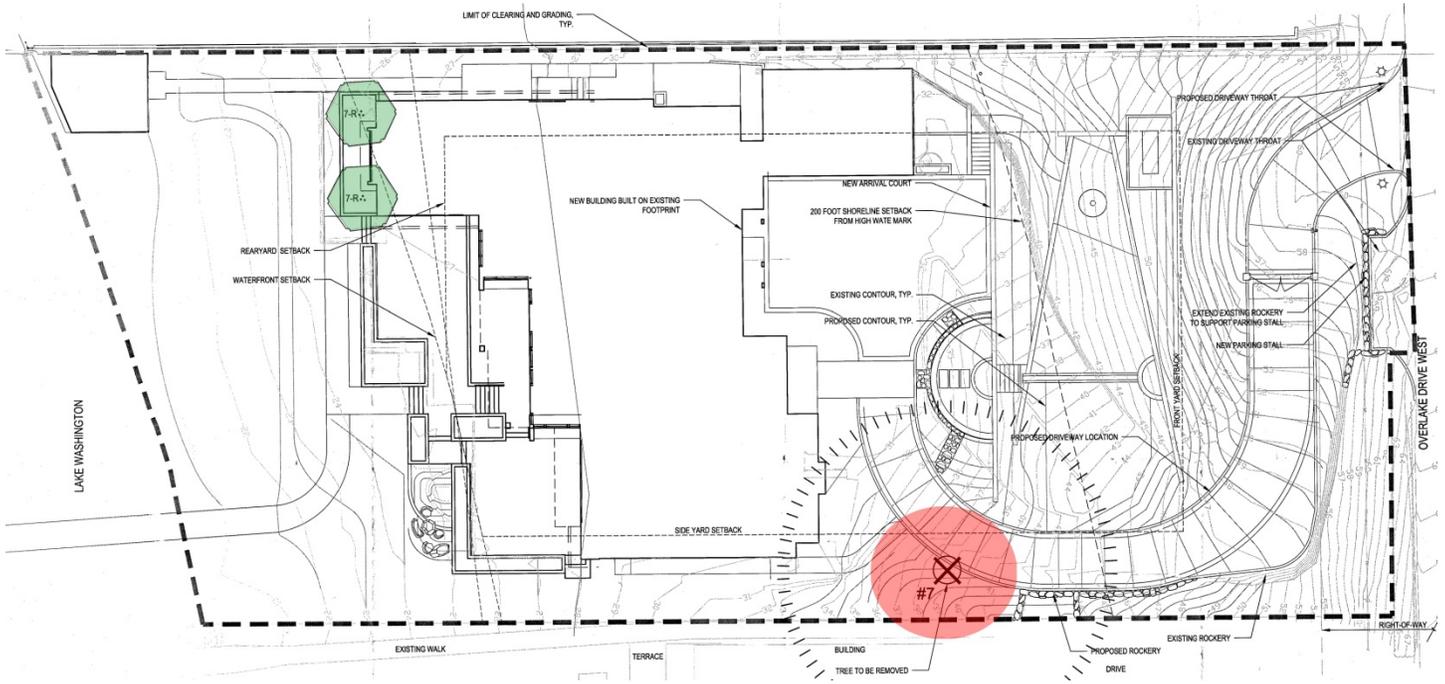
**STATE ENVIRONMENTAL POLICY ACT:** The Responsible Official has determined this proposal for tree removals is exempt from state environmental policy act (SEPA) review pursuant to WAC 197-11-800(1).

**DETERMINATION OF CONSISTENCY:** Pursuant to MMC 20.80.100, the proposal is determined to be preliminary consistent with the provisions of chapter 12.28 of the Medina Municipal Code.

**APPEAL:** Administrative right-of-way tree trimming/ removal permit is a Type 2 decision appealable to the Medina Hearing Examiner pursuant to MMC 20.80.220.

**QUESTIONS:** Request for information and/ or written comments may be directed to Medina City Hall, Attn: Development Services, 501 Evergreen Point Road, P.O. Box 144, Medina, WA 98039.

**STAFF CONTACT:** Tom Early, Medina Tree Consultant at (425) 250-5346 or [tom.early@otak.com](mailto:tom.early@otak.com).



The plan shows the redwood tree to be removed (shaded near driveway) and the two replacement trees (shaded in the upper left of the plan above)



JUL 30 2014

7/29/14

City of Medina  
501 Evergreen Point Road  
Medina, WA 98039

Re: permit for removal of trees at 8335 Overlake Drive W  
permit number 14-011

Dear Sir:

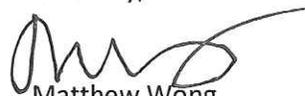
I have some reservations about the current permit application for removal of 4 trees and replacement trees. One concerns non-administrative tree removal permit to remove a 74 inch diameter redwood tree and an administrative right of way removal permit to remove two pines and one false cypress trees within the city right of way by the adjoining property owner. After looking at the plan of the existing driveway and the locations of the trees and the plan for the new driveway and replacement trees, I notice that currently the trees to be removed are not on existing driveway but close to it. Looking at the new plan of the driveway, I do not see where the proposed removal trees were in relation to the new driveway and whether just making some alterations in the plan of the new driveway may be able to save those trees and avoid the necessity of planting replacement trees at a different location.

The second concern is the replacement trees very close to Overlake Drive. The wording of low growing trees for replacement approval is vague. I would like to know the type of trees and the maximum height that these new tree will grow. If they do exceed the agreeable upon height in the future, then these new replacement trees can trim back at the top to meet the height limits.

Having an agreed upon living fence height in the city of Medina will definitely help with the issue of living fences and the potential disputes among otherwise amiable neighbors.

Thank you for your consideration of my suggestions for altering the permit plan as proposed.

Sincerely,



Matthew Wong  
214 84<sup>th</sup> Ave NE

1455 Evergreen Point Road  
Medina, Wa. 98039  
July 26, 2014

Mr. Robert Grumbach  
Director, Development Services  
City of Medina  
501 Evergreen Point Road  
Medina, Wa. 98039

JUL 28 2014  
CITY OF MEDINA

Dear Mr. Grumbach,

I am responding to the request for public comment regarding the proposed removal of a 74 inch Redwood tree at 8335 Overlake Drive West. I went to the property to view the tree. It must be one of the largest, oldest and most beautiful trees in the City of Medina.

As you know I served on the Medina City Council for 8 years from 2002 until 2010. During that time the Council reviewed the Medina Tree Protection Ordinance on two occasions and as a result of that review which included several public hearings and much public input, it adopted the current tree protection ordinance. This ordinance reflects the value that the residents of Medina place on the presence of the large mature evergreen trees that grace the City. It does so by placing a significant monetary disincentive to removal of evergreen trees greater than 20 inches in diameter at 4 1/2 feet above the ground. The disincentive increases progressively for larger trees.

Some owners try to avoid the protection provided these trees by claiming that a particular tree which they want to remove is hazardous. However there are specific and well established criteria to evaluate whether or not a tree is hazardous. These criteria are stated in the Medina Tree Ordinance and they are nationally recognized and accepted criteria. This tree appears healthy and is a beautiful asset to the City of Medina and the region in general.

If the criteria to declare this tree hazardous are not met by evaluation of the qualified City Arborist, then I wish to express my objection to its removal unless the required mitigation requirements are met by the petitioner.

Sincerely,



Robert H. Rudolph, M.D.

August 17, 2014

Mr. Robert Grumbach  
Director of Development Services  
City of Medina  
501 Evergreen Point Road  
Medina, WA 98039

RECEIVED

AUG 18 2014

CITY OF MEDINA

Dear Mr. Grumbach:

I am writing in regards to the upcoming Hearing Examiner meeting to discuss a request to cut down a **redwood tree that is 74 inches in diameter.**

I was the Mayor of Medina the last time the tree code was revised. The City Council worked very hard for almost two years developing the new code, so that it would represent all sides of the many varying opinions of our citizens. While the tree code may need some fine-tuning after the City has had several years to study its impact, there are key components of it that clearly reflect the wishes of the majority of Medina's citizens.

The tree in question is a prime example of one of these components. The City of Medina rightfully so prides itself in being a place where trees and related growing things are considered essential to the look and feel of our unique environment. You **cannot replace** this magnificent tree – it needs to remain standing for future generations to enjoy consistent with the design of our tree code.

I have looked very carefully at this tree. As an involved layperson, I would say it is in excellent health and poses no safety hazard to anyone. Therefore, there is no possible reason to cut it down.

I urge the Hearing Examiner to reject this request for a permit to cut the tree down.

Thank you for forwarding my comments to the appropriate people.

Sincerely,



Miles R Adam  
8424 NE 10<sup>th</sup> Street  
Medina, WA 98039

**CITY OF MEDINA**  
**LIST OF SUITABLE TREE SPECIES FOR PRIVATE PROPERTY REPLACEMENT**  
**AND PUBLIC RIGHT-OF-WAY PLANTING**

The following tree species lists are for reference in meeting various requirements of the Medina Tree Code (Medina Municipal Code Chapter 12.28). Throughout this document the ‘\*’ denotes a species that is native to the western slope of Washington state.

**PRIVATE PROPERTY TREE MITIGATION**

***LIST 1: SUITABLE CONIFEROUS TREES***

Cedar:

\*Alaska Yellow Cedar – *Chamaecyparis nootkatensis*  
Atlas Cedar – *Cedrus atlantica*  
Cedar of Lebanon – *Cedrus libani*  
Deodar Cedar – *Cedrus deodara*  
Incense Cedar – *Calocedrus decurrens*  
\*Western Red Cedar – *Thuja plicata*

Fir:

\*Douglas Fir – *Pseudotsuga menziesii*  
\*Grand Fir – *Abies grandis*  
Spanish Fir – *Abies pinsapo*  
White Fir – *Abies concolor*

Pine:

Austrian Black Pine – *Pinus nigra*  
Japanese Black Pine – *Pinus thunbergii*  
Japanese Red Pine – *Pinus densiflora*  
\*Shore Pine – *Pinus contorta* var. *contorta*  
\*Western White Pine – *Pinus monticola*

Larch:

\*Western Larch – *Larix occidentalis*  
European Larch – *Larix decidua*

Cypress:

\*Lawson Cypress – *Chamaecyparis lawsoniana*  
Moss Cypress – *Chamaecyparis pisifera*  
Smooth-barked Arizona Cypress – *Cupressus glabra*

Hemlock:

Canadian Hemlock – *Tsuga canadensis*  
\*Mountain Hemlock – *Tsuga mertensiana*  
\*Western Hemlock – *Tsuga heterophylla*

Yew:

\*English Yew – *Taxus baccata*  
Japanese yew – *Taxus cuspidata*  
English-Japanese Yew – *Taxus x media*

Other:

Japanese Cryptomeria – *Cryptomeria japonica*  
Serbian Spruce – *Picea omorika*  
Umbrella Pine – *Sciadopitys verticillata*  
\*Red Alder – *Alnus rubra*

***LIST 2: CONIFEROUS TREES NOT RECOMMENDED***

Coastal Redwood – *Sequoia sempervirens*; top suffers from freeze damage resulting in multiple tops and poor structural condition

Colorado Spruce – *Picea pungens*; susceptible to spruce aphid

Sierra Sequoia – *Sequoiadendron giganteum*; the ultimate size and density of the tree is a limiting factor especially since this tree has the potential to block views and interfere with utility lines

### **Suggested Alternatives to Above Trees Not Recommended**

Japanese Cryptomeria – *Cryptomeria japonica* (dwarf forms)

### ***LIST 3: CONIFEROUS TREES EXEMPT FROM REPLACEMENT REQUIREMENTS AND INELIGIBLE FOR REPLACEMENT CREDIT***

Leyland Cypress – *Cupressocyparis leylandii*; root structure can be invasive; the ultimate size and density of the tree is a limiting factor especially since this tree has the potential to block views and interfere with utility lines

### ***LIST 4: COMPLETE LIST OF DECIDUOUS TREES REQUIRING REPLACEMENT AND ELIGIBLE FOR REPLACEMENT CREDIT***

- \* Pacific or Western Flowering Dogwood (*Cornus nuttallii*)
- \* Vine Maple (*Acer circinatum*)
- \* Red Alder (*Alnus rubra*)
- \* Hazel (*Corylus cornuta*)
- \* Narrow-leaved Cherry (*Prunus emarginata* var. *mollis*)
- \* Oregon Ash (*Fraxinus latifolia*)

### ***LIST 5: SUGGESTED ALTERNATIVES TO CERTAIN DECIDUOUS TREES WITH PROBLEMATIC TRAITS***

#### **Suggested Alternatives to London Plane**

Norway Maple – *Acer platanoides*

Sugar Maple – *Acer saccharum*

Sycamore Maple – *Acer pseudoplatanus*

#### **Suggested Alternatives to Quaking Aspen**

European Hornbeam – *Carpinus betulus*

Katsuratree – *Cercidiphyllum japonicum*

Paper Birch – *Betula papyrifera*

#### **Suggested Alternative to Willow Species**

Weeping Flowering Cherry – *Prunus subhirtella* ‘Pendula’

#### **Suggested Alternatives to Lombardy and Bolleana Poplar Trees**

Columnar Cherry – *Prunus serrulata*

Dawyck Beech – *Fagus sylvatica* ‘Fastigiata’

European Hornbeam – *Carpinus betulus* ‘Fastigiata’

Ornamental Pear – *Pyrus calleryana*

Red Maple – *Acer rubrum*

**Suggested Alternatives to Cottonwood Trees**

- Birch – Betulus sp.
- Katsuratree – Cercidiphyllum japonicum
- Black Tupelo – Nyssa sylvatica

**Suggested Alternatives to Bigleaf Maple Trees**

- Norway Maple – Acer platanoides
- Sycamore Maple – Acer pseudoplatanus

**PUBLIC RIGHT-OF-WAY TREE SPECIES RESTRICTIONS**

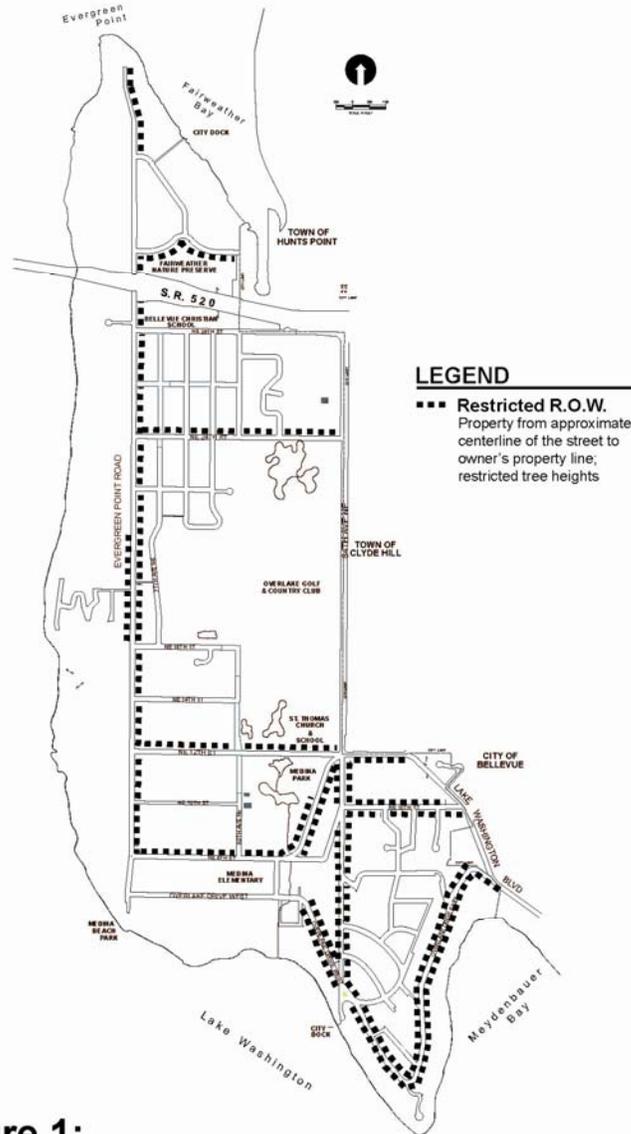
No person shall plant a hazardous or destructive tree species in the rights-of-way. Tree species that are known to be inherently hazardous or destructive include London Plane, Quaking Aspen, Lombardy Poplar, Bolleana Poplar, Cottonwood, and Bigleaf Maple. (MMC 12.28.130-C)

The public right-of-way tree planting requirements of MMC 12.28.080 may be satisfied with tree species selected from lists 1,2, and 4 above except that only the low growing trees found in List 6 may satisfy the requirement in locations identified as “restricted right-of-way” in Figure 1 below. The designation of “restricted right-of-way” is based on areas where overhead utility lines or view corridors necessitate lower tree heights.

***LIST 6: LOW GROWING TREES GENERALLY SUITABLE FOR THE CITY OF MEDINA***

- Amur Maple – Acer ginnala
- European Filbert – Corylus avellana
- Flowering Cherry/Plum – Prunus sp.
- Mt. Fuji Flowering Cherry – Prunus serrulata ‘Shirotae’
- Japanese Maple – Acer palmatum
- Goldenrain Tree – Koelreuteria paniculata
- Star Magnolia – Magnolia stellata
- Lily Magnolia – Magnolia liliiflora
- Victoria Southern Magnolia – Magnolia grandiflora ‘Victoria’
- Carmine Crabapple – Malus × atrosanguinea
- Malus ‘Pink Perfection’
- Malus ‘Radiant’
- Malus ‘Strathmore’
- Sargent Crabapple – Malus sargentii
- Mugo Pine – Pinus mugo
- Black Tupelo – Nyssa sylvatica
- Tanyosho Pine – Pinus densiflora ‘Umbraculifera’
- \* Vine Maple – Acer circinatum
- Japanese Tree Lilac – Syringa reticulata
- Japanese Snowbell – Styax japonicus
- Staghorn Sumac – Rhus typhina
- Hawthorn – Crataegus sp.
- Eastern Redbud – Cercis canadensis
- Corneliancherry Dogwood – Cornus mas
- Japanese Dogwood – Cornus officinalis
- Smoketree – Cotinus sp.

- Bristlecone Pine – *Pinus aristata*
- Persian Parrotia – *Parrotia persica*
- Amur Chokecherry – *Prunus maackii*
- Pacific Serviceberry – *Amelanchier alnifolia*
- Red Cascade Mountain Ash – *Sorbus americana* 'Dwarfcrown'
- Dwarf Hinoki Cypress – *Chamaecyparis obtusa* 'Nana'
- Japanese Hornbeam – *Carpinus japonica*
- Dwarf Japanese Red Pine – *Pinus densiflora* sp.



**Figure 1:  
Restricted Right-of-Way Locations**

**Robert Grumbach**

---

**From:** Stephen Rising <stephen@tca-inc.com>  
**Sent:** Wednesday, April 16, 2014 1:15 PM  
**To:** Robert Grumbach; Donna Goodman  
**Cc:** Tom Early; burtony@harrisonsdesignla.com; Mark McCarter  
**Subject:** RE: Tree Removal Application

Hi Robert and Donna,

We are aware from Tom Early that a separate tree removal application for ROW is required and involves a separate review process. We submitted the tree removal application for owners' property this week only for vesting prior to implementation of new SMP to avoid any adverse new SMP requirements.

We understand, including from Robert below, that new SMP has no impact on ROW because it is located beyond 200 ft from shoreline for which SMNP does not apply. Please let us know if otherwise, as we might then submit the separate tree removal application for ROW before Friday implementation of new SMP. We currently plan to submit tree removal application for ROW in coming weeks.

Unless you provide other information, we assume fees for this tree removal application for owners' property is:

Application fee	\$500
Advanced Deposit	\$600
Technology fees	\$19.75
Total	\$1119.75

Please confirm that total. Do we need to submit check today?

Thanks, Stephen

**Stephen Reed Rising, AIA**

*Principal*

**TCA Architecture • Planning**

6211 Roosevelt Way NE  
 Seattle, WA 98115

206.522.3830 x103

[www.tca-inc.com](http://www.tca-inc.com)

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**From:** Robert Grumbach [<mailto:rgrumbach@medina-wa.gov>]

**Sent:** Wednesday, April 16, 2014 12:55 PM

**To:** [burtony@harrisonsdesignla.com](mailto:burtony@harrisonsdesignla.com)

**Cc:** Donna Goodman; Stephen Rising; Tom Early

**Subject:** RE: Tree Removal Application

Hi Burton,

Tom is out this week so I cannot ask him, but I think there was a misunderstanding of what Tom said. Tom may said you can use the same plan or that you can include the tree information with both permit applications, but that is different than saying you can combine both into one permit application. There are differences between ROW tree permit applications and non-ROW tree permit applications. Tom and I have discussed this kind of stuff before and he has been pretty clear that questions on combining permits he defers to us because he is not authorized to make those decisions. I suspect that Margaret may have misunderstood what Tom said, or Tom may have misheard what she asked.

Anyway, given the fact that Stephen has mentioned concerns about vesting, keeping things separate should be important to you since the ROW permit is more complicated and does not involve the shoreline.

Robert

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**From:** Donna Goodman  
**Sent:** Wednesday, April 16, 2014 12:17 PM  
**To:** Robert Grumbach  
**Subject:** FW: Tree Removal Application

Robert,

See message below. We are sticking with requiring the two separate applications, right?

---

**From:** Burton Yuen [<mailto:burtony@harrisonsdesignla.com>]  
**Sent:** Friday, April 11, 2014 9:47 AM  
**To:** Donna Goodman  
**Cc:** Margaret Harrison  
**Subject:** Tree Removal Application

Hello Donna Goodman,

I also left you a phone message. I have several questions for you regarding tree removal on lots in Medina:

- Margaret Harrison Spoke with Tom Early several days ago and he said that we could include trees in the ROW in our tree removal application without having to do the separate ROW tree removal application. Is this correct?
- What is the fee for the tree removal application and if we have to do both submittals what is the fee for the separate ROW Tree removal?

Thank you,  
burtony

**Burton K. Yuen** LEED AP BD+C

[burtony@harrisonsdesignla.com](mailto:burtony@harrisonsdesignla.com)

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911 western ave suite 301, seattle wa 98104 |  
206.405.2536

<http://www.harrisonsdesignla.com/>