

4 October 2018

To: Lake Forest Park Planning Department

From: Timothy Hohn
18923 Forest Park Drive NE
Lake Forest Park WA 98155

Re: Application for Reasonable Economic Use
File Number: 2018-TREE-0007
Proponent: Steve Crane
Location of proposal: Parcel # 4019301515

I'm here to urge you to deny the application for Reasonable Economic Use submitted for the parcel 401930-1515 on 178th St.

There are three compelling justifications for denying this application:

- 1) The non-conforming lot in an area zoned RE-15.
- 2) The presence of two exceptional trees, one with a history of significant wildlife value.
- 3) And unaccounted for "reasonable economic uses."

Regarding the non-conforming lot: I presume you have seen the written objections to this project from citizens; it is not a widely supported project. I suspect that those community members, myself included, in opposition to this project take note that this zone RS-15 section of town is fully developed. City density goals from the stand point of growth management have been met in other, suitably zoned areas. The owner/contractor of the property (who will not be living there) was aware of the property's status and developmental limitations when it was purchased.

The citizens of Lake Forest Park are concerned with maintaining the elements of the community that drew us here and sustain us: a progressive pattern of development in a healthy and pleasing balance with green space unique among suburban communities in the Seattle area. This section of Lake Forest Park, in particular, represents a harmonious blend of reasonable economic use between modest development and environmental preservation. The development of non-conforming property fragments, and the removal of exceptional trees to do so, is contrary to this purpose and will set a ruinous precedent. I challenge you to visit the site, try to identify where another house could be built, and then imagine the level of disruption this will cause. These usually treed and often park-like small, "non-conforming" fragments may be considered emeralds scattered through our community like a necklace of tree and wildlife refugia, the accumulated impact of which is priceless.

EXHIBIT: 56
CASE: _____

Speaking of accumulated impact, I want to draw your attention to municipal code 16.06.050: accumulated effects, that states: "A project or action which by itself does not create undue impacts on the environment may create undue impacts when combined with the cumulative effects of prior or simultaneous developments; further, it may directly induce other developments, due to a causal relationship, which will adversely affect the environment." We're talking about a precedent setting case here that could open the gate to more. This code is our valuable check against "death by a thousand cuts," the way a major crisis, such as over-development and deforestation, that can develop unnoticed by increment until it's too late. A growing proclivity toward the development of non-conforming properties and subdivision is, to me, a perfect example of accumulated, negative effects. Not every space must be artificially filled. Knowing when to stop is a virtue, it seems, in very short supply as evidenced locally by Lynnwood, to name one example.

About exceptional trees, there are two on this little property; an amazing natural endowment. As you know, the municipal code contains an extensive and progressive section on tree preservation with an emphasis on preservation of existing trees. The core of that preservative emphasis is exceptional trees, the "mother trees" of our community forest. The code definition is: "...a viable tree, which because of its unique combination of size and species, age, location, and health is worthy of long-term retention..." The code also states under section 16.14.060 Tree removal prohibited: "removal of viable exceptional trees, as defined by this chapter and determined by the city's qualified arborist, is prohibited." That's pretty clear language. Section 16.14.070, item D. 3. "Demonstrate the following prioritized factors for retention (of trees)," number II: "exceptional trees;" number VII: "trees that provide wildlife habitat..." There are several other codes pertaining to trees and wildlife. I mention this because exceptional Douglas fir #10 has a suitability for and history of raptor nesting. Thankfully, the city has provided a condition for retaining exceptional Douglas fir #6. The exceptional raptor tree, #10, must be accorded the same status.

Finally, you are asked to consider the reasonable economic use of this property. One of the major issues in determining reasonable economic use is identifying the appropriate context. Throughout Title 16 of the municipal code, reasonable economic use is spelled out in the purposes and intents of each chapter. For example: Chapter 16.06: State Environmental Act Implementation, section 16.06.010 Purpose: Encourage actions that preserve and enhance environmental quality; Section 16.06.060 Air quality, item B. Policies: It is the city's policy to minimize or prevent adverse air quality impacts; Chapter 16.14 Tree Canopy Preservation & Enhancement, section 16.14.010 Purpose: Mitigate the economic, environmental, and community consequences of tree loss on public and private lands. The code is full of these statements of reasonable economic use based on the cost benefits of intact ecosystem services against the cost of the consequences of disruption and/or loss.

Unfortunately, the reasonable use exception qualifiers in section 16.14.100 of the municipal code ignore those valuable aspects of ecological preservation and the devastating costs of their disruption or loss that are so clearly identified elsewhere in the code. Instead, we are only to concern ourselves with the short-term and much more incidental costs incurred by the individual. I ask you to look at the metric of reasonable economic use in a broader, more accurate context that preserves our critical ecosystem services and the natural capital inherent in the trees, green space, and wildlife in keeping with those concerns articulated in several parts of the municipal code.

Finally, consider the social capital, another unexamined economic use, that could be generated by the preservation of this green fragment of land. I understand that there was an interest on the part of neighbors in purchasing this property when it came up for sale. Perhaps the city will join with a neighbor group to purchase this property as a conservation easement when this application is denied. Now that would be a reasonable economic use.