

RECEIVED

OCT 08 2018

City of Lake Forest Park

EXHIBIT # 70.1

October 2, 2018

To the City of Lake Forest Park, Planning Department and Hearing Examiner,

As a neighbor and concerned citizen, I am writing once again to urge the city of Lake Forest Park to reject the most recent application for Reasonable Economic Use exception submitted by Stephen Crane for the parcel 401930-1515 on 178<sup>th</sup> St.

First of all, I feel that the application that has been submitted is incomplete, and should not even be considered without further documentation. The city's process for a reasonable use exception to the tree code calls for a site plan that must be "accurate, legible and drawn to scale" and that includes, among other things, "existing dimensions and lot size... existing and proposed structures... [and] location of any significant trees 6" diameter or greater" [See <https://www.cityofflp.com/DocumentCenter/View/123/Reasonable-Economic-Use-Exception-Permit-Applicat>]. There is no such plan, showing the locations of both exceptional trees as well as the proposed building footprint, in the most recent Reasonable Use Exception application.

Despite the absence of such a site plan, the applicant claims that the trees must be cut down to make way for "reasonable economic use," and the city of Lake Forest Park staff report agrees in the case of tree #10, writing that keeping the trees would "likely prevent the applicant from creating a functional building pad area for a moderately sized single family home" (staff report, p.4). Without a site plan, it is very difficult to understand the logic on which this conclusion is based.

I respectfully disagree with the staff report's conclusion regarding tree #10. As a concerned local resident, I have created a draft site plan, in consultation with a number of community members, about what we believe would constitute "reasonable use" for this site. Two versions of this plan are included below (see pages 2 and 3 of this letter).

The two versions of the site plan are based on slightly different approaches to how "reasonable use" might be defined. In both, trees #6 and #10 are retained, and the building is sited in the center of the lot, outside of the critical root zones. In option 1, the building footprint is 900 square feet, and there is no driveway. (As I have previously noted, many houses in the neighborhood do not have driveways, including my own, and street parking is a very reasonable substitute). In option 2, the building footprint is 1,200 sq.ft., and a driveway is constructed without excavation (a no-dig gravel driveway, as described in the staff report). A range of intermediate options may of course exist between the two versions I have included. Both versions of the plan include installing a sewer line using horizontal directional drilling to install the sewer pipe beneath the root zone of the exceptional trees, without trenching that would disturb roots. This is a common practice for development in critical areas, and numerous contractors and consultants in the greater Seattle area provide this service.

These drawings show that it is clearly possible to have reasonable economic use of the property while simultaneously retaining not only the exceptional trees, but nearly all of the trees on the property. The only trees that are removed, per this plan, are #8 and #9 (two bigleaf maples). All three Douglas fir trees, including the two exceptional trees, can be retained, as well as the majority of other trees. (Indeed, most of the trees proposed for removal under permit 2018-TREE-0007 are not even on the lot itself, but in the city right of way. Those eight trees belong to the city and are the collective property of the citizens of Lake Forest Park, and there is no justification for their removal given their practical insignificance to the construction project.)

I urge the hearing examiner to remember, as I have noted previously, that city code only calls for reasonable economic use, and not for maximizing the profit that can be extracted through development. As a number of concerned citizens have noted, the applicant purchased this property last year without doing any research into the neighborhood, and without learning about the city's tree code or its development laws, with the explicit goal of turning it around for a maximum profit. Rather than pursue any options such as horizontal drilling, no-dig driveways, or other low-impact techniques, he has repeatedly attempted to manipulate the city and state's permitting processes to get the exceptional trees on the lot cut down – including going to such lengths as claiming that one of the exceptional trees was already permitted for removal, in order to get a WDFW permit allowing him to legally destroy the osprey nest located in it. In my opinion, it is not in the city's interest to abet profit-oriented development in destroying our urban forest and wildlife habitat under the guise of "reasonable" use.

For that reason, the importance of this permit goes far beyond the twelve trees in question. In the absence of existing guidelines or code requirements, this case stands as an opportunity to set a clear precedent for what "reasonable use" means for future development in Lake Forest Park. Non-conforming lots with exceptional trees are numerous and likely candidates for future development, and I believe it is in the city's interest to very carefully weigh how this term is defined (i.e., whether it implies a 900 vs. 1,200 sq.ft. footprint; whether it requires examining the use of alternative techniques such as no-dig driveways, horizontal drilling for utilities, and so forth) and what this precedent will mean for the future of our city's development.

I believe that, as the site plans provided above demonstrate (and in contrast to the city's report), it is certainly possible to build a moderately-sized single family home and keep the exceptional trees on the property. The RUE application fails to demonstrate that reasonable economic use of the property requires removing those trees, and I believe that the city's exceptional tree code should prevail to protect them.

Sincerely,

Robert Anderson

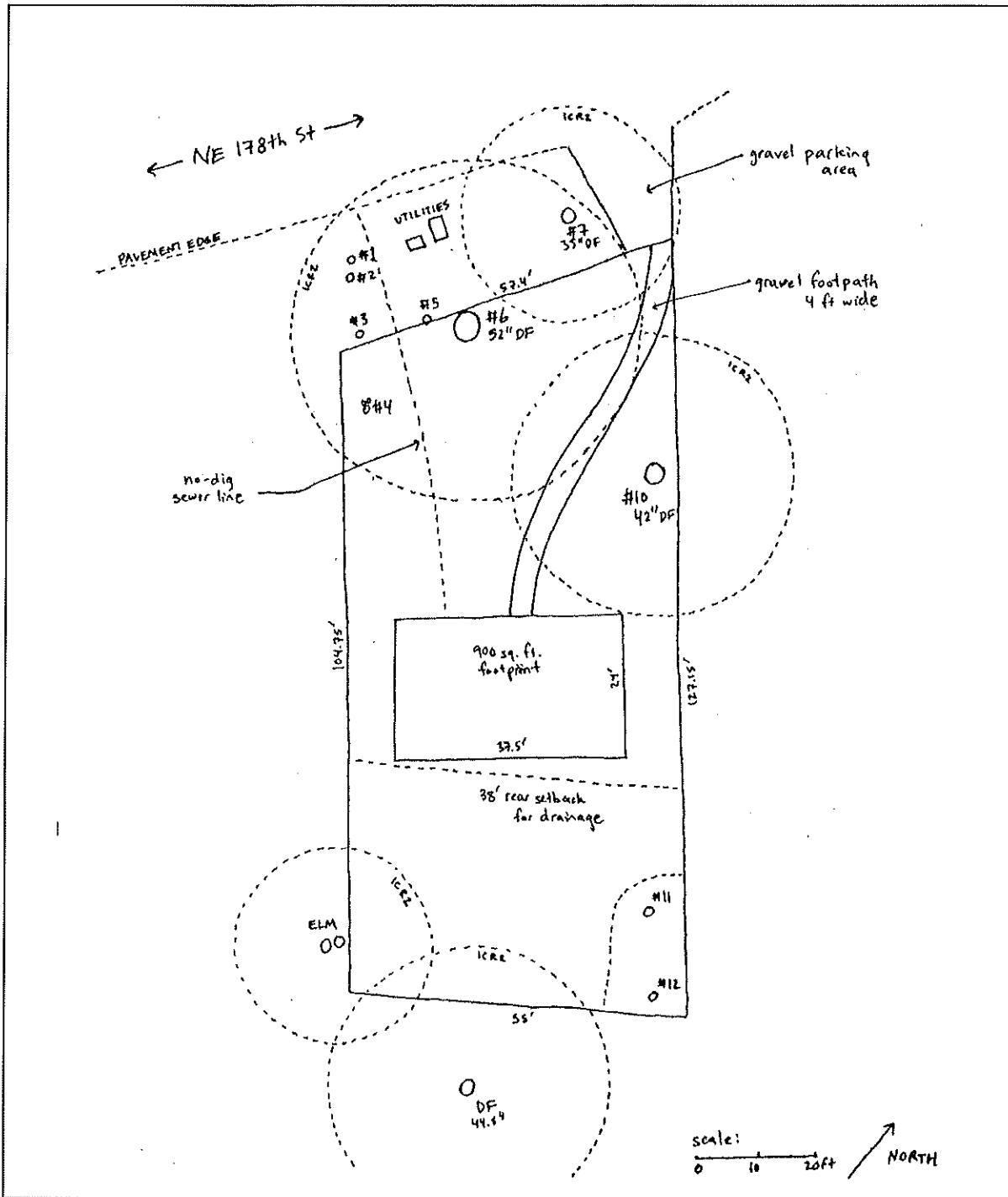


Figure 1. Proposed site plan: Reasonable use, as envisioned by the community.  
Option 1: 900 sq.ft. footprint, street parking. Retaining all trees except #8, #9.

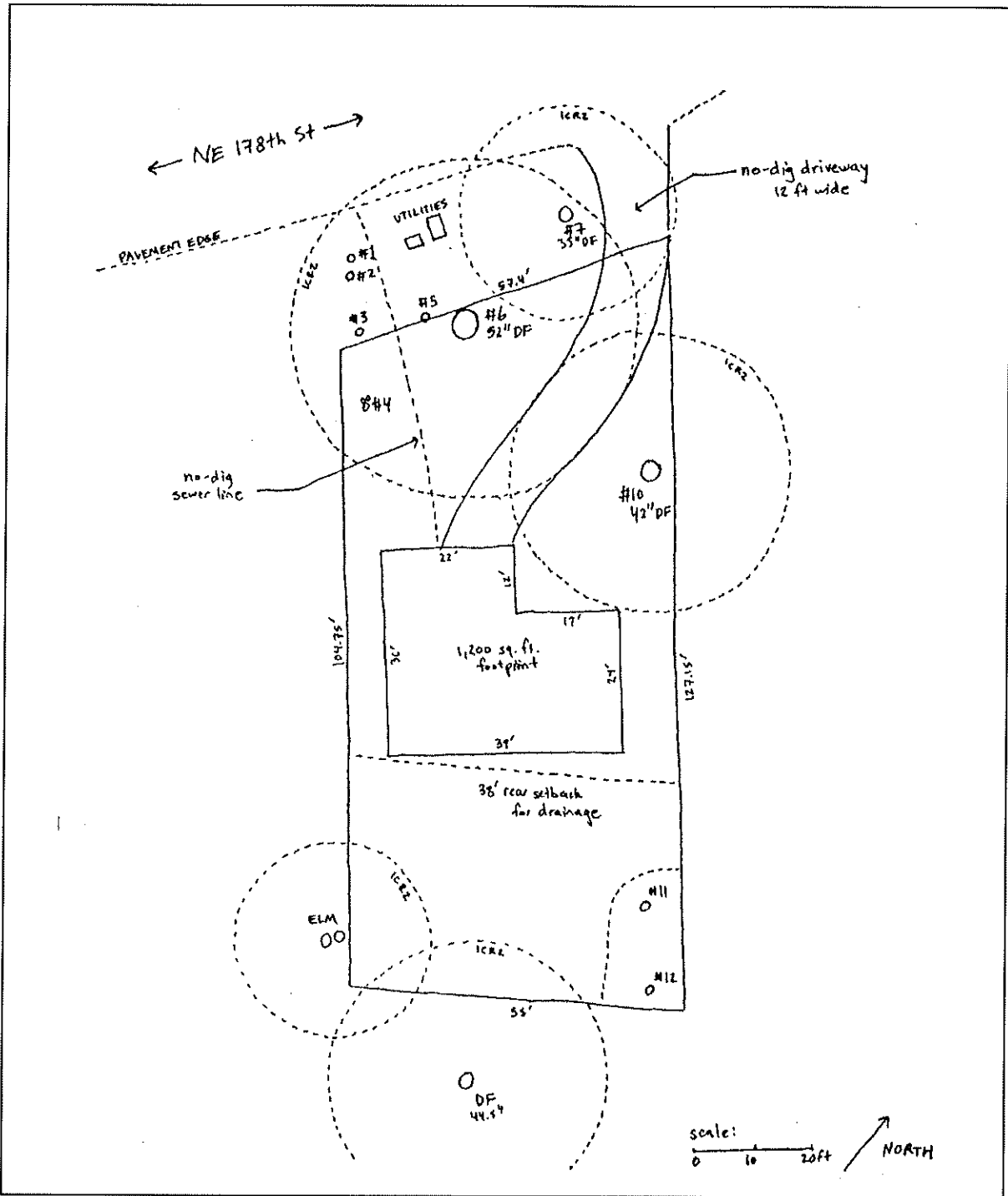


Figure 2. Proposed site plan: Reasonable use, as envisioned by the community.  
Option 2: 1,200 sq.ft. footprint, no-dig gravel driveway. Retaining all trees except #8, #9.

**Lauren Hoerr**

---

**From:** Lauren Hoerr  
**Sent:** Monday, October 08, 2018 2:43 PM  
**To:** 'Robert Anderson'  
**Cc:** Stephen Bennett; Nick Holland  
**Subject:** RE: 2018-RUE-0001 public comment  
**Attachments:** 20181008144017135.pdf; 2018-RUE-0001\_Crane-ExhibitX-R.Anderson10-2-18CommentLetter.pdf

Hi Robert,

Please see attached for a report from our IT department, which shows that for some reason the 10/2 email was blocked. Our IT Dept said it is usually due to something within the email that they think is phishing and/or scamming. I will include your attached comment letter, some of this email chain and the attached report as one of the exhibits that we will submit to the hearing examiner prior to the 10/17 hearing.

Please feel free to let me know if you have any questions.

Best,  
Lauren

**Lauren Hoerr**  
*Assistant Planner*  
Planning & Building Department

17425 Ballinger Way NE  
City of Lake Forest Park, WA  
206-957-2837  
[www.cityofflp.com](http://www.cityofflp.com)



*Disclaimer: This email is considered a public record and may be subject to public disclosure.*

**From:** Robert Anderson <anderrm@uw.edu>  
**Sent:** Monday, October 08, 2018 10:20 AM  
**To:** Lauren Hoerr <lhoerr@ci.lake-forest-park.wa.us>  
**Subject:** Re: 2018-RUE-0001 public comment

Hi Lauren, here is the attachment.

On Mon, Oct 8, 2018 at 10:19 AM Robert Anderson <[anderrm@uw.edu](mailto:anderrm@uw.edu)> wrote:

Hi Lauren,

I sent to both [lhoerr@ci.lake-forest-park.wa.us](mailto:lhoerr@ci.lake-forest-park.wa.us) and [aplanner@cityoflfp.com](mailto:aplanner@cityoflfp.com)

Since the hearing is still ongoing, is it possible to send it to the hearing examiner and get it included in the public record at this time?

I will re-send the letter immediately after this email. (I won't attach it here since I wonder if your email service might be filtering out emails with attachments? Just an idea). Please do let me know whether you receive it.

I would have handed it directly to Mr. Galt on Thursday, except that I thought it was already included (he did read my name aloud in the list of people whose comments had been listed in the record - but perhaps that was in reference to my July letter.)

thank you.

Rob

On Mon, Oct 8, 2018 at 9:30 AM Lauren Hoerr <[lhoerr@ci.lake-forest-park.wa.us](mailto:lhoerr@ci.lake-forest-park.wa.us)> wrote:

Hi Rob,

Unfortunately I did not receive that email dated October 2<sup>nd</sup>. See screenshot below for all the messages I've received from you. The last one was 4/30 besides this 10/6 email. Which email did you send it to?

Thanks, Lauren

**From:** Robert Anderson <[anderrm@uw.edu](mailto:anderrm@uw.edu)>

**Sent:** Saturday, October 06, 2018 6:32 AM

**To:** Lauren Hoerr <[lhoerr@ci.lake-forest-park.wa.us](mailto:lhoerr@ci.lake-forest-park.wa.us)>; Lauren Hoerr <[lhoerr@ci.lake-forest-park.wa.us](mailto:lhoerr@ci.lake-forest-park.wa.us)>

**Subject:** Re: 2018-RUE-0001 public comment

Dear Ms. Hoerr, can you confirm that you have received this email? I do not see the attachment included in the record for 2018-RUE-0001.

Thank you

Rob

On Tue, Oct 2, 2018 at 9:46 PM Robert Anderson <[anderrm@uw.edu](mailto:anderrm@uw.edu)> wrote:

Dear Ms. Hoerr, please find my written comment for 2018-RUE-0001 in the attached pdf document. (Please let me know if this format is acceptable; it does contain visuals hence can't be pasted into the body of the email.)

Thanks very much.

--

Robert M. Anderson

--

Robert M. Anderson

Ph.D Student, Dept of Geography

University of Washington

--

Robert M. Anderson

Ph.D Student, Dept of Geography

University of Washington

User: System Administrator | Change Password | Log Off



**Email and Web Security Appliance (3200) v5.6**

Scheduled Reports   **Email Reports**   Web Reports   System Reports

**Email Interactive Reporting (from 2018-09-08 14:33 to 2018-10-08 14:33)**

[Total view](#)   [Time view](#)   [Itemized view](#)   [Detail view](#)

Detail view report (Email Sender: <anderrm@uw.edu>)

Date	Traffic	Action Category	Protocol	Email Sender	Source Domain	Source IP	Destination Domain	Destination
10/08 10:13:26 AM	Inbound	Legitimate	SMTP	<anderrm@uw.edu>	140.142.32.139	140.142.32.139		10.0.0.14
10/08 10:13:13 AM	Inbound	Legitimate	SMTP	<anderrm@uw.edu>	140.142.32.140	140.142.32.140		10.0.0.14
10/06 6:25:51 AM	Inbound	Legitimate	SMTP	<anderrm@uw.edu>	128.95.242.222	128.95.242.222		10.0.0.14
10/06 6:25:28 AM	Inbound	Legitimate	SMTP	<anderrm@uw.edu>	140.142.234.158	140.142.234.158		10.0.0.14
10/02 9:41:10 PM	Inbound	Blocked	SMTP	<anderrm@uw.edu>	140.142.234.158	140.142.234.158		10.0.0.14
10/02 9:40:56 PM	Inbound	Blocked	SMTP	<anderrm@uw.edu>	140.142.234.175	140.142.234.175		10.0.0.14

About the Appliance | Resources

Dashboard   Reports   Email



**EXHIBIT # 70.8**