



## Complainant's Request to adjudicate a View or Sunlight Obstruction Complaint per Chapter 17.38 of the Clyde Hill Municipal Code (CHMC)

Hearing Number: \_\_\_\_\_

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

\$6500 Application Fee - Receipt Number: \_\_\_\_\_

**Please type or print legibly; fill out this form completely.  
Attach any back-up documentation.**

CHMC 17.38.025 Rights established.

In order to resolve the conflict between trees, sunlight and views as defined herein, real property owners in the city shall have the right to seek restoration of views or sunlight which existed at any time since they purchased or occupied a property, subject to the limitations of CHMC [17.38.028](#), when such views or sunlight are observed from living and entertainment areas of the home and have subsequently been unreasonably obstructed by the growth of a tree located on private property. It is not the intent of this chapter to allow property owners in the city to create or enhance views or access to sunlight that were not at one time enjoyed by that property owner since purchasing or occupying the property.

### **1. GENERAL INFORMATION**

#### 1.1. Complainant:

(If this complaint is filed on behalf of more than one property owner, provide Section 1.1 information for each complainant.)

Names: \_\_\_\_\_

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

\_\_\_\_\_

Phone Numbers: \_\_\_\_\_

Email addresses: \_\_\_\_\_

1.1.1. The Applicant's property was acquired on: \_\_\_\_\_

1.1.2. Are you seeking to restore a view you once had, from living or entertainment areas, of your home while owning this property?

Describe the living or entertainment area from which the view has become obstructed:

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1.2. Tree Owner:

Names: \_\_\_\_\_

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

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Phone Numbers: \_\_\_\_\_

Email addresses: \_\_\_\_\_

The above-described property was acquired by the tree owner on: \_\_\_\_\_

1.3. Are any of the properties currently listed for sale?

1.4. Are there any view or tree maintenance covenants, conditions or restrictions of record on any of the properties? yes \_\_\_\_\_ no \_\_\_\_\_

**PLEASE NOTE:** It is the City's policy not to use its authority to enforce private covenants. However, this policy shall not prevent the City from using its discretion to recognize such private covenants when public policy so demands or when to do so is clearly in the best interest of the health, safety and welfare of the community as a whole.

If applicable, give the date that the covenants expire and attach a copy of the covenants.

Expiration Date: \_\_\_\_\_

1.5. Have you verified that the tree causing the obstruction is not an historic tree?

1.6. Have you verified that the tree causing the obstruction is not within the building envelope and not more than 25 feet high?

1.7. Have you initiated any other complaint against the tree owner listed here within the last two years?

1.8. Have you attached the following required items?

CHMC 17.38.030.C.2 Filing a Complaint

The complainant shall be required to, at minimum, attach to the complaint:

- the city arborist's written report;
- an appraisal of the valuation of the complainant's property with the current view or sunlight obstruction and, if possible, a valuation with the view or sunlight access that was enjoyed at one time since the complainant purchased or occupied the property;
- a survey if alleging a view obstruction; evidence of the date of possession or acquisition of the complainant's real property;
- and any evidence of the view or sunlight access that was enjoyed at one time since purchasing or occupying the real property, which may include photographs, written or expected oral testimony by the complainant and/or neighbors, and expert reports regarding the growth rate of the tree.
- If the complainant is alleging an obstruction of sunlight, the complainant shall also describe the location(s) on his or her property which have become shaded and the hours during which the obstruction occurs during both winter and summer months.

## **2. VIEW OR SUNLIGHT PROBLEM AND SUGGESTED REMEDY**

2.1. Provide a complete description of the manner in which the view from your property, or sunlight reaching your property, is being unreasonably obstructed by the growth of one or more trees on a neighboring property:

2.2. Describe your suggested solution to the obstruction problem:

### **3. MITIGATION HISTORY**

The Clyde Hill Municipal Code requires that the complainant make all reasonable efforts to resolve the obstruction situation with the neighbor before filing a complaint. Responses to the following questions will assist in determining whether you and your neighbor have met this requirement.

3.1. Describe the steps taken to resolve this matter with the tree owner:

3.2. Describe the efforts made to mediate or arbitrate this matter through a third party:

#### **4. ADDITIONAL CASE INFORMATION**

4.1. Describe the extent of the alleged view obstruction expressed as a percentage of the total view. Photographs can assist your narration.

4.2. Describe the extent to which landmarks, such as Lake Washington, bridges, skylines, the mountains, area communities and surrounding hills, or other unique view features are obstructed:

4.3. Describe the extent to which the tree(s) cause shadows or reduce air circulation and/or light:

4.4. Describe the extent to which the tree(s) affect the real property value of your property:

4.5. Describe the extent to which the tree(s) provide a visual screening; a wildlife habitat; soil stability (as measured by soil structure, degree of slope and extent of root system); and energy conservation and/or climate control:

4.6. Describe the extent to which the tree(s) affect any neighboring vegetation:

4.7. Describe the visual quality of the tree(s), including but not limited to, species, size, form, texture, color, vigor and location; and other tree related factors, including but not limited to, indigenous tree species, specimen tree quality, rare tree species, and historical value:

4.8. Describe how the obstruction materially decreases the enjoyment of your property:

4.9. Describe how the trimming, pruning, removal or other alteration of the obstructing tree(s) will not unreasonably decrease the enjoyment of the tree owner's property:

4.10. Provide any other information you think is relevant:

**5. APPLICANT'S ACKNOWLEDGMENT & COMMITMENT SHEET**

I/We, \_\_\_\_\_,

(Print name(s) in full)

being duly sworn on oath, depose and say that I am/we are (circle applicable designation):

- (a) owner(s)
- (b) partner(s)
- (c) trust officer(s)
- (d) beneficiary(ies) of trust
- (e) corporate officer(s)
- (f) owner's agent (agency form required)

of the complainant property involved in this application, and I/we have received a copy and have familiarized myself/ourselves with the rules and regulations of Chapter 17.38 of the Clyde Hill Municipal Code before preparing and filing this application. Further, I/we represent that the foregoing statements and answers herein contained and the information included on any attached plan, survey or other exhibit thoroughly to the best of my/our ability are accurate representations and present the argument on behalf of the applicant, and that the statements and information above referred to are in all respects true and correct.

I/We do understand and agree to pay in full the cost of the City's consulting expenses, even if such expenses exceed the amount of the advance bond. In addition, I/We understand and give permission for the City Staff and Planning Commission members to visit the subject property so long as advanced notification is given.

Signatures must be notarized.

**Applicant(s)**

Printed Names:

\_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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

Phone Numbers: \_\_\_\_\_



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STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared

\_\_\_\_\_,  
being duly sworn, on his/her oath deposes and says that he/she has prepared or has had prepared under their direction, has read the forgoing statements and has acknowledged to me that the recitations contained therein are true, and has signed this application as his/her free and voluntary act and deed for the purposes therein mentioned.

SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

(SEAL)

Signature: \_\_\_\_\_

Notary Public in and for the State of Washington, residing at \_\_\_\_\_