



View Obstruction Hearing Number: _____

TREE OWNER'S RESPONSE

to a Complaint filed under the Trees - View and Sunlight Obstruction chapter of the Municipal Code (CHMC 17.38)

(Please type or print. Attach additional sheets if necessary.)

1. GENERAL INFORMATION

1.1. Tree owners' name(s): _____

1.2. Tree owner's address: _____

1.3. Phone Numbers: _____

1.4. Email: _____

1.5. The above-described property was acquired on: _____

1.6. Is your property currently listed for sale? yes no

1.7. Are there any view or tree maintenance covenants, conditions or restrictions on your property?
 yes no

PLEASE NOTE: It is the City's policy not to use its permit 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.

1.7.1. Expiration date of covenants: _____

1.7.2. Please attach a copy of the covenants as part of this response.

1.8. If possible, please provide the height of the tree(s) complained of in feet:

1.9. Please provide any information known to you about the age of the tree(s) and/or when planted.

1.10. If the Complainant objected to you planting the tree, please describe the circumstances of the objection and your response.

1.11. Is the tree(s) located within the setback area of your lot? Yes No

1.12. Has the complainant, to your knowledge, substantially remodeled or destroyed and rebuilt his or her home? If yes, please describe how you believe such actions affected the complainant's view, if at all.

2. SUGGESTED REMEDY

- 2.1. Please describe your preferred solution to the complainant's obstruction problem, including reference to specific restorative actions listed in CHMC 17.38.050.C.2, which include, but are not limited to, crown raising, thinning, vista pruning, crown reduction, and tree removal and replacement. If you prefer removal and replacement, please indicate the species of tree you would choose for a replacement.

3. MITIGATION HISTORY

The Clyde Hill Municipal Code requires that the complainant, the tree owner and the area homeowner's association make all reasonable efforts to resolve the obstruction complaint before coming to the Planning Commission. Responses to the following questions will assist the Commission in determining whether you and your neighbor have met this requirement.

3.1 Please describe whether and when the complainant notified you in writing of the obstruction as well as the contents of the writing. (You may attach a copy of the writing if available.):

3.2 Mediation:

Did the complainant offer to mediate the dispute with you? Yes No

Did you agree to mediate the dispute with the complainant? Yes No

Was the city arborist consulted prior to mediation? Yes No

3.3 Please describe any other steps taken to resolve the dispute with the complainant:

4. ADDITIONAL CASE INFORMATION

- 4.1 If you disagree with the information provided by the complainant regarding the extent of the view obstruction, as measured from the living and entertainment areas of his or her home and expressed as a percentage of the total view, please describe the reasons for your disagreement.
- 4.2 Please provide any information you believe to be relevant regarding the quality of the complainant's view, such as whether you believe unique view features are obstructed, whether they are already obstructed by other trees or structures, and whether the complainant already enjoys a view.
- 4.3 If relevant, please provide any information you have regarding the extent to which other trees in the foreground or background will grow and obstruct the complainant's view in the future.

- 4.4 If the complainant has alleged an obstruction of sunlight, please provide any relevant information regarding the extent that the tree(s) complained of shade the complainant's property. Relevant information may include the darkness of the shade, the times of day and hours during which the shade occurs, and how these factors may change seasonally.
- 4.5 Please describe the extent to which the tree(s) provide visual screening and privacy; 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 Please describe the visual quality of the tree(s), including but not limited to, species characteristics, 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, historical value, and appraised value as determined by the Trunk Method Formula of appraisal, if known:

4.7 Please describe the extent to which the tree(s) affect any neighboring vegetation and its importance in your overall landscape design, if at all.

4.8 Please describe the extent to which restorative actions that may be ordered by the Planning Commission, as listed in CHMC 17.38.050.C.2, may affect the real property value of your property.

4.9 Please describe how any restorative actions that may be ordered by the Planning Commission, as listed in CHMC 17.38.050.C.2, will unreasonably decrease the enjoyment of your property or privacy.

4.10 Please provide any other information you would like the Planning Commission to know about the complaint.

5. ATTACHMENTS

5.1 Please attach any documents or photographs that you believe the Planning Commission may find relevant in making its decision, including any reports of consultants you caused to be prepared in response to the complaint. The Planning Commission shall exclude from evidence any reports that are not submitted with this Response within 45 days of receiving the complaint, absent good cause shown.

6. TREE OWNER'S ACKNOWLEDGMENT & COMMITMENT SHEET

I/We, _____,
(Print name(s) in full)

being duly sworn on oath, depose and say that I am/we are the:

(a) owner(s); (b) partner(s); (c) trust officer(s); (d) beneficiary(ies) of trust; (e) corporate officer(s) of the property containing the tree(s) involved in this view obstruction complaint. 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 response. 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 tree owner, and that the statements and information above referred to are in all respects true and correct.

I/We understand and give permission for City Staff and Planning Commission members to visit the subject property.

Signature: _____ Date: _____

Signature: _____ Date: _____

STATE OF _____

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:

(SEAL)

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 foregoing 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.

Printed Name: _____

My commission expires: _____