



July 12, 2024

Cornel Temure  
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Subject: Tree Removal Permit: TRE24-03938, Denial  
Site Address: 13506 132<sup>nd</sup> Ave NE

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Dear Applicant,

A Tree Removal Permit was submitted to the City of Kirkland Planning Department on 5/17/2024 retroactively requesting removal of 5 trees: three (3) apple trees, one (1) 30" DBH pine tree, and one (1) 18" stump diameter deciduous tree pursuant to Kirkland Zoning Code (KZC) 95.25. A peer review of the removal request and arborist report was completed for compliance with applicable City regulations. After this review, the City has determined the following:

1. The apple trees were not Regulated Trees pursuant to KZC 95.10.17.g and thus not subject to KZC 95. Therefore, the apple trees were rightfully removed without a Tree Removal Permit.
2. The pine tree is **not retroactively approved** for removal (see discussion below).
3. The deciduous tree is **not retroactively approved** for removal (see discussion below).

#### Discussion

The pine tree and deciduous tree are not approved for removal as the City has found no evidence that the trees met the nuisance or hazard criteria listed in KZC 95.10.10 and 95.10.7. With no evidence to support the required code criteria to allow for removal of the trees, the City has denied the request to remove the pine tree and the deciduous tree.

Pine tree – An arborist report was submitted after the removal of the pine tree and though hazardous conditions were identified within the report, the City was unable to verify the hazard conditions because the tree, including its stump, had been removed prior to submission of the tree removal permit and arborist report. Furthermore, the arborist report lacked sufficient evidence (i.e., photos) to corroborate a hazard condition requiring removal of the tree.

Deciduous tree – An arborist report was not submitted for the deciduous tree, thus lacking a professional opinion supporting the alleged hazard condition. A photograph of the stump was provided showing a pocket of decay within the trunk; however, trees often exist with heartwood decay and continue to live as



healthy trees for many years. The pocket of decay is insufficient evidence to determine that the tree was dead/dying or hazardous.

For trees that are not hazard or nuisance trees, KZC 95.25.1 allows for removal of up to 3 trees per 12 months without a permit, provided a minimum of 3 regulated trees remain on the subject property. Because the pine tree and deciduous tree were the last remaining regulated trees on the subject property, they would not have been allowed for removal.

#### Appeals

An applicant may appeal an adverse determination to the Hearing Examiner, using the applicable appeal provisions of Chapter 145 KZC. A written notice of appeal shall be filed with the City within 14 calendar days following the date of distribution of a City's decision. The person filing the appeal shall have the burden of proving that the City made an incorrect decision. Based on the Hearing Examiner's findings and conclusions, the Hearing Examiner may affirm, reverse or modify the decision being appealed. The appeal fee shall be submitted with the written request.



## Permit Response

The following tree(s) are not permitted for removal.

**Table 1. Denied Request(s)**

Tree ID	Size	Common Name	Proposed Action	Critical Area Designation	City Comment/Rationale
Pine tree	30" DBH	White pine	Remove	None	Insufficient evidence of hazardous conditions that would necessitate removal
Deciduous tree	18" stump diameter	Unknown	Remove	None	Insufficient evidence that the tree was dead/dying or hazardous

Please contact me with any questions.

Sincerely,

PLANNING AND BUILDING DEPARTMENT

A handwritten signature in black ink, appearing to be "TC", is written over a horizontal line.

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