



**CITY OF KIRKLAND**  
**Planning and Community Development Department**  
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225  
[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)

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## **MEMORANDUM**

**To:** Houghton Community Council

**From:** Jon Regala, Senior Planner  
Deborah Powers, Urban Forester  
Nancy Cox, AICP, Development Review Manager  
Paul Stewart, AICP, Deputy Planning Director

**Date:** October 26, 2009

**Subject:** TREE REGULATIONS UPDATE – PUBLIC HEARING  
FILE ZON08-00016

## **RECOMMENDATION**

Staff recommends that the Houghton Community Council:

- Conduct a public hearing on the proposed changes to Kirkland Zoning Code (KZC) *Chapter 95 – Tree Management and Required Landscaping*;
- Consider public comments; and
- Make a recommendation to the Planning Commission for consideration at the Planning Commission's November 5, 2009 public hearing on the same topic

## **BACKGROUND DISCUSSION**

In November 2005, the City Council adopted Chapter 95 of the Kirkland Zoning Code (KZC) which established new regulations, standards, and procedures for tree management and required landscaping. The code went into effect in 2006. At the time of the adoption of the tree amendments, the City Council requested that a two-year status report of the regulations be prepared and brought back for Council review.

Staff presented a report to the Council at the September 2, 2008 City Council study session which included three tiers of amendments for Council's consideration: minor, moderate or major changes to the adopted regulations. "*Minor amendments*" would clarify the current policy but would not change the basic approach. "*Moderate changes in policy direction*" would result in some fairly substantive changes to the regulations. The third tier "*major policy questions*" would fundamentally alter the regulations and implement new policy directions.

### *Summary of Minor Amendments*

- Simply and reformat KZC 95 – Includes consolidating Kirkland Municipal Code Title 19 Street Trees into KZC 95
- Update standards for tree protection and notification of tree removal
- Simplify tree maintenance agreements/process
- Tree tracking – Improve administrative procedures

### *Summary of Moderate Amendments*

- Allow for all Integrated Development Plan (IDP) review options
- Increase fines for illegal tree removal
- Monitor tree canopy

### *Summary of Major Amendments*

- Increase tree density requirements
- Retain a larger number of existing mature trees with development

At the conclusion of their study session last fall, the City Council directed staff to pursue studying changes identified as being in the 'minor' and 'moderate' categories. Changes to the KZC are subject to the requirements found in KZC Chapter 135 – Amendments to the Text of the Zoning Code and KZC Chapter 160 - Process IV.

The Planning Commission and the Houghton Community Council had a total of seven study sessions between May 2009 and September 2009 to discuss the *Minor* and *Moderate* level amendments. The meeting packets for those meetings are available on the City's Planning Department website: <http://www.ci.kirkland.wa.us/depart/Planning.htm>. Additional topics were brought up at the study sessions that while they were beyond the scope of the City Council's directions, they were relevant to the discussions. These topics are discussed later in the staff memo.

Based on feedback from these study sessions, staff has prepared information for review and discussion at the public hearings.

## **PUBLIC INPUT**

With the tree regulation update project, stakeholders were either informed or asked for input utilizing the following methods:

- 2006 Tree Regulation Amendment – Parties of Record list
- City Website
- Tree Regulation list-serv
- Neighborhood list-serv
- Developer list-serv
- Tree Care/Professional's list-serv
- Cable TV Announcements
- City Update Newsletter
- Kirkland Reporter
- Meetings with various stakeholders
- Online questionnaire

### *Stakeholder meetings*

Staff invited various stakeholders of this project (developers, property owners, applicants that submitted a short plat application since 2006, and arborists/tree care professionals) to attend one of three meetings at City Hall. The meetings were informal and meant to obtain input from the perspective of the various groups on the proposed changes. While minimally attended, each

meeting had a mix of stakeholders from different groups which resulted in engaging discussions. Attachment 1 contains a summary of the topics and questions raised by those in attendance.

### Tree Regulation Questionnaire

A questionnaire, to help understand the thoughts of stakeholders in regards to the City's existing tree regulations, was emailed to three email list-serv groups on September 9, 2009: the Tree Regulation Update list-serv, the Developer's Forum list-serv, and the Kirkland Neighborhood E-bulletin list-serv. A total of 161 responses were received as of October 13, 2009. Due to this large number, the responses in their entirety have been posted online on the City's web page for this project:

[http://www.ci.kirkland.wa.us/depart/Planning/Code\\_Updates/TreeUpdate.htm](http://www.ci.kirkland.wa.us/depart/Planning/Code_Updates/TreeUpdate.htm)

A summary of all questionnaire results can be found in Attachment 2. Responses to questions 4, 10, 13, 14, 15 and 16 of the questionnaire, dealing with general comments and/or suggestions has been consolidated and can be found in Attachment 3.

### **MINOR LEVEL CHANGES**

#### **A. Simplify and reformat KZC 95 – Includes consolidating Kirkland Municipal Code Title 19 Street Trees into KZC 95**

The City Council asked staff to simplify and reorganize KZC Chapter 95. Although the 2006 revisions were a vast improvement over previous code language, the chapter could be reorganized to make it more user-friendly. Some definitions could be improved and a table format could be utilized where appropriate.

Based on the recommendations from the Planning Commission and Houghton Community Council from the various study sessions, staff simplified and reorganized KZC Chapter 95. Staff determined where redundancies occurred and therefore was able to consolidate similar-type sections from different parts of the chapter and from the Kirkland Municipal Code (KMC) Title 19. Also, definitions were clarified and code sections were relocated within the chapter to flow more logically.

The result is a draft version of KZC Chapter 95 (see Attachment 4). The draft version in Attachment 4 shows the *tracked-changes*. Highlighted text identifies sections of the code that were *relocated* to a new location within Chapter 95. Underlines and strikethroughs shown depict *revisions or deletions* to existing text. A 'clean' version of the chapter can be found in Attachment 5 where all of the changes have been incorporated. A new table of contents can be found in Attachment 6. Changes were also made in the Kirkland Zoning Code and KMC Title 19 to reflect the reformatted code sections and consolidation of code sections (see Attachment 7).

A major modification to the chapter was in how tree removal was categorized and formatted. For example, the previous tree retention requirements were spread out between five different Tree Plans. With staff's proposal, the Tree Plans were consolidated into a single Tree Retention Plan requirement based on an easy to use chart. Tree removal was also separated into two categories depending on whether or not there was associated development activity. Below are the two categories and associated revisions outlining the new approach.

*Tree Removal not associated with Development Activity*

- Contains standards for two trees per year removal
- Reference to the new Shoreline regulations
- Contains provisions for nuisance and hazard tree removal (former Tree Plan IV)
- Contains provisions for a Forest Management Plan (former Tree Plan V)

*Tree Retention Associated with Development Activity*

- A single Tree Retention Plan which consolidates requirements from previously referred to Tree Plan I, II, and III
- Tree Retention Plan requirements incorporated into an easy to follow chart
- Tree types 1, 2, and 3 have been changed to the term: Tree Retention Value – High, Moderate, or Low

Several definitions were also clarified, including the definitions for *hazard* and *nuisance trees*. Under the Fast-Track amendment process earlier this year, the definition of *qualified professional* was improved by requiring additional credentials for arborists recommending removal of trees located in critical areas (effective May 2009, see Attachment 8). With this current project, the *qualified professional* definition was again revised so that it will apply to all tree assessment situations. The changes will help with increased staff efficiency and consistency between regulations and other jurisdictions' requirements.

**Staff Recommendation:** Staff recommends that the Houghton Community Council review Attachment 4 or 5 and provide feedback on the changes proposed by staff.

**B. Update standards for tree protection fencing and notification of tree removal**

Tree Protection. In terms of tree protection during development, the current standard in KZC Chapter 95 requires installation of a minimum four-foot tall chain link fence to be placed at the limits of disturbance boundary as recommended by the applicant's arborist and approved by the City's Urban Forester. Highly visible signs placed on the protective fencing are also required acknowledging the tree protection area. A detail sheet describing these requirements can be found in Attachment 9.

To remain consistent with current practice and Public Works fencing standard plan CK-R-49 (see Attachment 10), a code change to KZC Chapter 95 was made to reflect a 6' tall chain link fence (previous was 4' tall chain link fence), unless a comparable substitution to the chain link fence requirement is allowed on a case-by-case basis. This change will make the two fencing standards consistent.

Tree Removal Notification. At a study session, several Planning Commission members expressed concern that information regarding retained trees as part of a development project is not being relayed effectively to interested parties. Part of this is due to the current approach for short plats or subdivisions where tree removal is phased. For example, while trees may not be removed during the grading and utility installation stage of a short plat, the same trees thought to be retained are then removed with the construction of a single-family home.

Staff acknowledged that an improvement could be made to how tree retention plans are made available online through kirklandpermits.net to better inform the general public about proposed tree removal. Additional noticing requirements have been proposed as part of the Integrated Development Plan modification criteria if tree retention plans are modified after

short plat or subdivision approval. This is discussed later in the staff memo under the *Moderate Level Changes* section.

**Staff Recommendation:** The revised fencing standards offer adequate tree protection and flexibility in regards to tree protection during development. Staff should work with the City's IT Department to make Tree Retention Plans more accessible online to the general public. Staff should also revise the signage requirements to identify phased tree retention review when applicable. Staff would like feedback from the Houghton Community Council on the proposed changes.

### **C. Simplify tree maintenance agreements**

The benefits of tree maintenance agreements are two-fold: they alert the homeowner that certain trees must be retained and they notify future property-owners (through appearance on the title report) that retention requirements apply. In the past, trees have been required to be retained by the developer through the short plat process.

New homeowners within these developments have then removed trees not knowing they were supposed to be retained. The first agreements under the 2006 regulations will reach the five-year mark in 2011. Preparation of the tree maintenance agreements has proven to be a time intensive process for staff. Each permit requiring either tree retention or replanting follows these steps:

- 1) Obtain final as-built landscape plan prior to final inspection
- 2) Prepare the tree maintenance agreement for owner signature/notary and recording with King County
- 3) Conduct a final inspection of the project
- 4) Intake recording fees and signed tree maintenance agreement
- 5) Prepare cover sheet for recording the maintenance agreement
- 6) Route cover sheet and signed agreement to the City Clerk's office for preparation for recording with King County
- 7) Scan and/or save final as-built landscape plan into the permit tracking system
- 8) Inspect subject property when five-year maintenance period ends

**Staff Recommendation:** Staff does not recommend any changes to KZC Chapter 95 at this time regarding this topic. Staff believes that the existing agreement satisfies the requirement of establishing the five-year maintenance agreement and by recording the agreement, also notifies future landowners. We recommend the City conduct tree inspections only in the event of a complaint from a neighbor or the general public regarding improper tree removal. However, staff should work on administrative procedures to help streamline the tree maintenance agreement process by exploring how to automate forms, revising the conditions of approval, and better coordinating the preparation of the maintenance agreement.

### **D. Tree tracking**

Background research for the memo prepared for the City Council last fall on this topic has confirmed that tracking tree cases could be improved. Consistency in tree typing between short plat, land surface modification, and building permits is important and the information obtained through each step are relevant to the City's goal of preserving and enhancing tree

canopy cover. Information entered into the City's permit tracking system needs to be more specific about trees retained, removed and those planted

The timeline for replacing Kirkland's current permit database (Advantage) was extended. It was anticipated that the alternative database would provide an opportunity to better track tree information. Because its implementation will not occur in the 2009/2010 budget cycle, staff will work towards adding tree species and size data fields in the current software application to better track tree planting and removal.

Staff is also exploring creating a template for applicants to use which could standardize required tree inventory information when submitted to the City. This will help staff in terms of having consistent and complete information when entering data into the City's permit tracking system.

**Staff Recommendation:** This is presented for informational purposes and no direction is needed.

## **MODERATE LEVEL CHANGES**

### **A. Integrated Development Plans**

At previous study sessions, the Houghton Community Council and Planning Commission reviewed and discussed the proposed Integrated Development Plan (IDP) as it relates to tree retention. A goal of an IDP is to identify trees to be retained on a parcel early in the project's design phase. Then, all tree removals may occur at once, rather than in phases through the grading and building permit process. The trees identified to be retained at the short plat/subdivision stage will then be retained at each subsequent development stage. The benefits of this approach for a developer are a quicker review time and cost savings for removing trees all at once. For the general public, there would be less anxiety regarding tree removal and clear expectations of trees to remain once development is complete.

The Houghton Community Council and Planning Commission agreed that the three short plat/subdivision review processes proposed under the IDP could result in better tree retention and that all three options should be made available to applicants. In summary, the three procedural options are (using terminology from Kurt Latimore's study):

*Pre-submittal:* This option provides a developer with predictable tree retention requirements, and allows all tree removals to occur at the grading permit stage. The IDP, which includes very detailed information, is submitted at the pre-submittal meeting stage of a project, including tree plan information, utility locations, access point, and building footprints. This option moves the tree review to a point very early in the development process, prior to an applicant submitting for a permit. Trees identified for retention at this very early stage must be retained throughout the development. As mentioned in the draft IDP report, this is the best time to take advantage of modifications to development standards in order to save trees worthy of retention.

*Accelerated:* This is similar to the Pre-submittal process described above, except that the IDP is submitted at the time of short plat/subdivision permit application rather than the pre-submittal meeting stage. Tree plan review will then occur concurrently with the review of the short plat/subdivision permit. Both the Pre-submittal and Accelerated processes will require the applicant to submit a tree preservation and maintenance agreement prior to final plat.

*Progressive:* This option reviews tree retention with each step of the development process (i.e. short plat, grading permit, and single-family building permit) and is representative of how tree plans are currently processed in the City. This typically results in minimal tree removal occurring with the grading permit, then subsequent tree removals with the building permits. It offers the most flexibility to a developer that is not ready to submit a very detailed development plan. Additional review time is needed at each stage for tree plan review.

The existing Tree Plan III requirements are consistent with the Pre-submittal and Accelerated IDP processes described above since all trees identified for retention at the short plat or subdivision stage of the project are required to remain throughout life of the project therefore applying to subsequent grading and single-family permits. Therefore, no changes in this approach are proposed in the draft amendments.

However, since the current regulations do not allow for the Progressive IDP process option described above (staff is proposing to rename this term to *Phased Review*), new code language will need to be created. In addition, the Planning Commission, wanted staff to explore code language that would allow subsequent changes to the tree retention plan *only* when necessary.

**Staff Recommendation:** Staff has drafted code language to allow for the Phased Review and to allow modifications to an IDP only when necessary (see Attachment 4 or 5 KZC Section 95.30.6). For a modification to a Tree Retention Plan after tree removal occurs, staff recommends striking the previously drafted modification criterion below:

*The modification does not result in removal of more than 50% of the tree credits originally to be retained and will not, in any substantial way, change the proposed development or violate any requirement of this chapter.*

After running through several tree removal scenarios, the above criterion was found to be problematic. This is due in part with how tree density credits are calculated and how the density credits are based relative to the tree trunk diameter. For example, one large tree could contain enough tree density credits to meet and even exceed the minimum tree density requirement due its size. However, if an applicant has a legitimate reason for removing the tree, the above criterion would prevent a modification from being approved because all of the tree density credits are contained in one tree. Staff recommends that the remaining modification criteria are adequate in order for the Hearing Examiner to make a decision.

The Houghton Community Council should inform staff if changes are needed to the proposed code language.

## **B. Monitor Tree Canopy - Require Tree Removal Permit?**

**Monitor Tree Canopy.** Ordinance 4026, adopted by the City Council on December 13, 2005, included language directing the City to undertake an analysis estimating the City's tree canopy coverage by December 31, 2010. With current in-house data, the City cannot determine whether progress toward the Comprehensive Plan goal of 40% canopy coverage is being achieved. In addition, tree monitoring should aim to establish and maintain an overview of citywide tree canopy coverage. Staff points to the need for accurately assessing and monitoring the City's biomass of trees and vegetation.

The Comprehensive Plan contains the following policy regarding the City's tree canopy goal:

***Policy NE-3.1: Work toward increasing Kirkland's tree cover to 40 percent.***

*In 2003, Kirkland's overall tree cover was estimated to be 32 percent (see Figure NE-4: Tree Canopy). Significant improvements in storm water management and air quality could be realized if the average tree cover were to be increased to 40 percent<sup>(1)</sup>. To approach measurable economic and ecologic benefits, Kirkland's regulations, programs, and public outreach should aim toward increasing the City's tree canopy long term, to the extent feasible when balancing other City goals. In order to track progress, it will be important to complete, then monitor and maintain the inventory of public trees, as well as to periodically assess the canopy Citywide. As land develops, care should be taken to preserve and protect trees and other natural resources of value whenever feasible.*

*(1) Regional Ecosystem Analysis: Puget Sound Metropolitan Area – Calculating the Value of Nature, 1998, by American Forests, [www.americanforests.org](http://www.americanforests.org).*

In order to proceed, Planning staff would begin working with the City's Information Technology-GIS Department (IT-GIS) to prepare a plan for how this level of tree monitoring might be implemented, and formulate a procedure for incorporating citywide tree canopy statistics. To measure progress toward the planned canopy goal, staff recommends that a recurring cycle of analysis be established beginning in 2010. However, this will have budget considerations. The City's Forestry Account balance may be a funding source for the service package in 2010.

Data from implementing this performance measure will allow the City to determine whether or not additional changes to the tree regulations will be needed in order to meet our tree canopy goal. This sentiment was also acknowledged by several people who attended the stakeholder meetings. IT-GIS and Planning staff could research approximate costs and also consider whether this process can reasonably be accomplished in-house rather than outsourced. Staff considers it possible that the cost of an outside vendor could be shared by neighboring jurisdictions that might also benefit from the data.

Tree Removal Permit. Requiring a permit to remove trees can be an effective way to monitor the City's tree canopy prior to undertaking a formal tree canopy analysis. Currently, the code does not require a tree removal permit for the removal of up to two trees per year. However, a tree removal permit is required for removal of trees in excess of the allowed two trees per year subject to the current Tree Plan IV requirements.

Although a permit is not required for removal of up to two trees per year, it has been the standard practice of homeowners to submit a tree removal request form. Staff believes that homeowners wish to comply with the tree regulations and submit tree removal requests to confirm their compliance. In addition, the documenting tree removals are helpful if complaints are submitted, which occur frequently. Below is a chart which shows the number of tree removal requests that have been processed by the City.

YEAR	NUMBER OF TREE REMOVAL REQUESTS SUBMITTED
2006	101
2007	290
2008	269
2009 – as of 7/26/2009	125
<b>TOTAL</b>	<b>785</b>

As part of any update to a future fee study, staff would conduct an analysis on reasonable fees for tree removal. Most local jurisdictions with tree protection regulations (Issaquah, Seattle, Bellevue, Woodinville, and Vancouver, WA) charge fees for tree removal permits ranging from \$35 to \$240. Currently, the City of Kirkland processes, on average, over 200 Tree Removal Requests per year without charging a permit fee.

**Staff Recommendation:** Staff should pursue options identified above to implement a tree canopy analysis. In the meantime, since it is uncertain when a tree canopy analysis will occur, staff recommends that to begin effectively monitoring tree removal, a tree removal permit should be required. The Planning Commission, at a previous study session, agreed with staff that requiring a permit for removing up to two trees per year should be implemented since data from the permits will help supplement a future tree canopy analysis.

The Houghton Community Council did not agree with staff’s recommendation to require a permit to remove up to two trees per year at their previous study session. Therefore, the Houghton Community Council should confirm their recommendation on this topic.

The question of whether or not to charge a tree removal permit fee should be deferred to a separate fee study.

**ADDITIONAL TOPICS**

**A. Should the tree retention requirement, when tree removal is not associated with development, be relative to the size of the subject property?**

With the 2006 amendments, in order to slow tree canopy loss, tree removal (not associated with development activity) was reduced to two significant trees per year for lots smaller than one acre. Regardless of lot size, two trees are required to remain. Removal of one or both of the last two trees triggers that a replacement tree be planted for each tree removed.

The Planning Commission expressed a concern that while this tree retention requirement may be okay on smaller lots, requiring two trees to remain on larger properties is too low of a standard. The Planning Commission asked staff to explore options to increase the minimum number of trees as the property size increases. Below are the three options prepared by staff:

**Option 1 - Set Minimum Tree Retention Based on Tree Density**

The City requires a minimum tree density of 30 tree credits per acre for development applications related to single-family and short subdivision or subdivision applications.

However, the regulations currently do not tie tree removal, not associated with development activity, to the above tree density requirements. The tree density requirements only come into play when tree removal is related to development activity associated with single-family and/or subdivision proposals. Therefore, should the minimum number of trees required to remain per lot be tied to the existing tree density formula?

Below is a chart which shows the required tree density credits based on a variety of lot sizes. The minimum lot sizes correspond for the most part with existing single-family designations (e.g. RS 5.0, RS 7.2, etc.).

Lot Size (sq. ft.)	Tree Density Credits
5,000	4
7,200	5
8,500	6
12,500	9
25,000	18
35,000	25

Scenario 1: A 12,500 square foot lot is required to have a minimum tree density of 9 tree credits based on the above chart. For this scenario, the subject property has five trees inventoried in the chart below.

Tree No.	Existing Trees (dbh)	Tree Credits Credit
1	6"-maple	1
2	6"-maple	1
3	12"-fir	2
4	20"-fir	6
5	30"-fir	11
	<b>TOTAL</b>	<b>21</b>

The property owner proposes to remove Tree #4 (20"-fir) and the Tree #5 (30"-fir) based on the two trees per year removal allowance.

*The removal of the trees will result in the property having only four tree credits with the remaining trees. The property owner would be required to plant one tree for each tree credit required to meet the minimum tree density. Five new trees are required to be planted in order to meet the minimum tree density of nine tree density credits.*

*Scenario 2: The property owner proposes to remove Trees #1 and #2 (6"-maples). In addition, the owner would like to remove Trees #3 (12"-fir) and #4 (20"-fir) since they are hazard trees and has a supporting arborist report. Assuming that the tree removal request is approved, there would only be the one remaining tree – the 30" tree worth 11 tree credits. Since the remaining tree credits is greater than the nine tree credits required, no new trees would be required to be planted.*

### **Option 2 - Set Minimum Tree Retention Based on Lot Size**

*This option is based on the existing regulation of having two trees remain on the subject property. However, as property size increases, so would the number of trees to remain on the property. Since the lowest single-family zoning designation pertains to 5,000 square foot lots, the code could be revised to maintain a minimum of two trees for every 5,000 square feet of lot area. Therefore a 10,000 square foot lot will need to contain four significant trees while a 30,000 square foot lot will need to contain 12 significant trees.*

*A concern about this approach is that it will maintain a different standard for tree retention resulting in different tree density requirements if the same property is being developed or not.*

### **Option 3 – No Change**

*A third option is to keep the code as is until additional information is obtained.*

**Staff Recommendation:** At their September 24, 2009 study session, the Planning Commission deliberated on this topic and agreed that a new standard was needed to address tree retention based on lot size. Therefore, Option 1 and 2 above were debated with the majority of the Planning Commission members preferring Option 2 since it was an easier regulation to understand and apply.

Staff recommends Option 3 and that this topic be deferred to a future work program since staff would like to explore the relationship between tree density and different land use requirements and how they relate to our canopy goal before making any changes. This is similar to the approach that the City of Seattle is currently undertaking. In addition, this topic is beyond the scope of the City Council's origination direction. The Houghton Community Council, at a previous study session, supported staff's recommendation.

In response to the Planning Commission's preference to Option 2, staff does not oppose this approach, since it will generally slow tree loss as result of more trees being retained relative to property size. Therefore, the Houghton Community Council should review the draft regulation which codifies Option 2 and provide a recommendation to the Planning Commission (see Attachment 4 or 5, Section 95.23.5.d).

## **B. Should the street tree pruning language be revised?**

The street tree regulations currently found in KMC Title 19 are being consolidated into KZC Chapter 95 with this project. The existing regulations contain a provision which prohibits street tree pruning if the primary purpose is to enhance views. The Houghton Community Council asked staff to explore creating a standard for pruning which would be applied regardless if views are enhanced or not. This topic was not raised as an issue at the previous Planning Commission study sessions.

**Staff Recommendation:** Staff recommends that street tree pruning be based on the current professional standards for pruning and not on whether views are enhanced. Therefore, staff has revised the code language to require that street tree pruning be based on American National Standards Institute (ANSI) A300 Part 1 – 2001 Pruning standards. Staff believes that this will create clear expectations as to what is accepted pruning. The Houghton Community Council should review the draft code language in Attachment 4 or 5, Section 95.21.1 and provide feedback if there should be changes to this approach.

### **KZC 135.25 CRITERIA FOR AMENDING THE TEXT OF THE ZONING CODE**

KZC 135.25 establishes the criteria by which changes to the Zoning Code text must be evaluated. These criteria and the relationship of the proposal to them are as follows:

1. *The proposed amendment is consistent with the applicable provisions of the Comprehensive Plan*

The proposed amendments are consistent with the Comprehensive Plan. The proposed amendments are intended to simplify and clarify the existing tree regulations and do not fundamentally change the City's policy for tree removal or tree retention. The proposed amendments are consistent with the following goals/policies of the Comprehensive Plan, Chapter V Natural Environment:

- Goal NE-1: Protect natural systems and features from the potentially negative impacts of human activities, including, but not limited to, land development.
- Goal NE-3: Manage the natural and built environments to protect and, where possible, to enhance and restore vegetation.
- Policy NE-3.1: Work toward increasing Kirkland's tree cover to 40 percent.
- Policy NE-3.2: Preserve healthy mature native vegetation whenever feasible.
- Policy NE-3.3: Ensure that regulations, incentives, and programs maximize the potential benefits of landscaping.

2. *The proposed amendment bears a substantial relation to public health, safety, or welfare*

The proposed amendments bear a substantial relation to public health, safety, and welfare. As described in the introduction to KZC Chapter 95 and Comprehensive Plan, Chapter V Natural Environment, trees provide a variety of benefits which include environmental, aesthetic, and economic benefits which affect the public as a whole. The amendments

further clarify the existing tree regulations which are based on the goals and policies of the Comprehensive Plan.

3. *The proposed amendment is in the best interest of the residents of Kirkland*

The proposed amendments are in the best interest to the residents of Kirkland. The amendments seek to simplify and clarify the existing tree regulations which were created based on balancing the needs of various stakeholder groups and the policies of the Comprehensive Plan. The result of the changes should create more certainty and predictability for both the residential and development community.

### **ENVIRONMENTAL REVIEW**

A Draft and Final Environmental Impact Statement (EIS) on the City's Comprehensive Plan 10-year Update was published in 2004. The EIS addressed the 2004 Comprehensive Plan, Zoning Code and Zoning Map updates required by the Washington State Growth Management Act (GMA). An EIS Addendum was issued on October 19, 2009 for the Tree Regulation Update project. According to SEPA rules, an EIS addendum provides additional analysis and/or information about a proposal or alternatives where their significant environmental impacts have been disclosed and identified in a previous environmental document. An addendum is appropriate when the impacts of the new proposal are the same general types as those identified in the prior document, and when the new analysis does not substantially change the analysis of significant impacts and alternatives in the prior environmental document. The EIS Addendum fulfills the environmental requirements for the proposed changes.

### **ATTACHMENTS**

1. Summary of Comments from Stakeholder Meetings
2. Tree Questionnaire – Summary of Responses
3. Tree Questionnaire – Responses to questions 4, 10, 13, 14, 15, and 16
4. Draft KZC Chapter 95 – Tracked changes version
5. Draft KZC Chapter 95 – Clean version
6. New Table of Contents – KZC Chapter 95
7. Updated Code Changes in KZC and KMC
8. Fast Track Code Amendment effect May 2009
9. KZC Tree Fencing Standard
10. Public Works Tree Fencing Standard



## **PUBLIC COMMENT/QUESTIONS FROM STAKEHOLDER MEETINGS**

- Predictability, clarity, and simplicity should be the overall goal of the tree regulation amendments
- Clarify review process and/or retention requirements for Type 2 trees
- What is the expectation for retention of Type 1 trees and how does it relate to the minimum tree density credits?
- Integrated Development Plan concept is a good idea since it allows flexibility (in terms of process) and predictability (depending on how early in the process the submit tree information) for developers
- Trees identified for retention early in the development process should be allowed to be removed later in the process due to unforeseen circumstances; establish criteria to allow this in a Integrated Development Plan
- Trees should be planted in a location suitable for the species to reach mature size (location and species of replacement trees are important)
- Apprehension from home owners in hiring a certified arborist
- Education and public outreach regarding trees and tree regulations is important for arborists/tree care companies, the development community, and the general public
- Online tree registration instead of permit for tree removals
- Utilize Urban Forester to 'scope' project prior to home owner hiring a certified arborist
- Need statistics on tree removal since 2006
- Need information to determine if City is meeting 40% canopy goal plus further breakdown of tree canopy; are all area goals equitable? I.e.: City-owned (street tree corridors vs. natural area parks), private property (Bridle Trails vs. 5,000 square foot lots vs. commercially zoned areas)
- Notification of tree removal is good...online? Post on site? Notify neighbors on adjacent property?
- Change terminology for tree type locations to something more intuitive
- Need exceptional tree criteria
- Should non-significant trees be considered in tree density calculations?
- Need to have better homeowner awareness for tree retention (5 year maintenance agreements)
- Should the City enforce trees that block private property views?



# Tree Survey Summary

1) It is estimated that the current tree canopy coverage is 32%. The City's tree canopy goal is 40%. Do you feel that the goal of 40% is the right amount?	Number of Responses:	Percentage:
1 - Should be a lot lower	19	13%
2 - Should be a little lower	40	26%
3 - Right amount	63	42%
4 - Should be a little higher	29	19%
<b>Total Responses:</b>	<b>151</b>	<b>100%</b>

2) Should the City's priority in meeting the tree canopy goal be protecting existing mature trees?	Number of Responses:	Percentage:
Yes	85	54%
No	43	27%
Uncertain	30	19%
<b>Total Responses:</b>	<b>158</b>	<b>100%</b>

3) Would you like to be notified if tree removal, associated with new development, is occurring in your neighborhood?	Number of Responses:	Percentage:
Yes	94	59%
No	66	41%
<b>Total Responses:</b>	<b>160</b>	<b>100%</b>

3B. If yes, how notified?	Number of Responses:	Percentage:
Post on property	48	35%
Postcard	50	36%
Other	39	28%
<b>Total Responses:</b>	<b>137</b>	<b>100%</b>

4) Have you been concerned about previous tree removals in your neighborhood?	Number of Responses:	Percentage:
Yes	78	50%
No	79	50%
<b>Total Responses:</b>	<b>157</b>	<b>100%</b>

If yes, what were your concerns?	Number of Responses:	Percentage:
See Attachment 3 of Staff Memo for Responses		

# Tree Survey Summary

<b>5) Should trees be as highly protected as other environmental resources such as streams and wetlands?</b>	<b>Number of Responses:</b>	<b>Percentage:</b>
Yes	69	43%
No	63	40%
Uncertain	27	17%
<b>Total Responses:</b>	<b>159</b>	<b>100%</b>

<b>6) Should trees on public property (e.g., trees in parks or along streets) be held to higher protection and replanting standards than trees on private property?</b>	<b>Number of Responses:</b>	<b>Percentage:</b>
Yes	101	64%
No	29	18%
Uncertain	29	18%
<b>Total Responses:</b>	<b>159</b>	<b>100%</b>

<b>7) Should property owners have the right to remove trees on their property without needing to get a permit?</b>	<b>Number of Responses:</b>	<b>Percentage:</b>
Yes	72	45%
No	62	39%
Uncertain	25	16%
<b>Total Responses:</b>	<b>159</b>	<b>100%</b>

<b>8) Should the City fund and maintain an ongoing tree management program to include tracking the retention and replacement of trees, maintaining a tree inventory, and conducting periodic tree canopy analysis to measure our progress?</b>	<b>Number of Responses:</b>	<b>Percentage:</b>
Yes	80	50%
No	57	36%
Uncertain	23	14%
<b>Total Responses:</b>	<b>160</b>	<b>100%</b>

<b>9) Have you submitted a tree plan for development review within the City?</b>	<b>Number of Responses:</b>	<b>Percentage:</b>
Yes	21	14%
No	131	86%
<b>Total Responses:</b>	<b>152</b>	<b>100%</b>

# Tree Survey Summary

10) The pre-2006 tree regulations required 25% of trees in a short plat be retained and had no specific tree retention requirements for subsequent single-family building permits. Do you feel that the current regulations do a better job of retaining viable trees in the long term?	Number of Responses:	Percentage:
Yes	42	27%
No	23	15%
Uncertain	89	58%
<b>Total Responses:</b>	<b>154</b>	<b>100%</b>

10B) If you disagree with the above statement, list three ways in which the City can improve its tree regulations:	Number of Responses:	Percentage:
See Attachment 3 of Staff Memo for Responses		

11) At what stage of the development process can trees be realistically identified for retention?	Number of Responses:	Percentage:
Pre submittal/information gathering stage	48	53%
Building Permit Application, Grading Permit Application, Pre submittal/information gathering stage, Short Plat Application	5	5%
Grading Permit Application	14	15%
Short Plat Application	24	26%
<b>Total Responses:</b>	<b>91</b>	<b>100%</b>

12) If you own property within the City of Kirkland, how many trees do you have on your property that are approximately 6" diameter measured 4.5 feet from the ground?	Number of Responses:	Percentage:

13) Do you plan on removing trees in the near future?	Number of Responses:	Percentage:
Yes	50	34%
No	97	66%
<b>Total Responses:</b>	<b>147</b>	<b>100%</b>

13B) If so, what are your reasons?	Number of Responses:	Percentage:
See Attachment 3 of Staff Memo for Responses		

14) Do you plan on planting trees in the near future?	Number of Responses:	Percentage:
Yes	70	48%
No	77	52%
<b>Total Responses:</b>	<b>147</b>	<b>100%</b>

# Tree Survey Summary

14B) If so, what are your reasons?	Number of Responses:	Percentage:
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See Attachment 3 of Staff Memo for Responses

15) When driving home, you notice in your neighborhood that the last two mature trees on a single-family lot are being removed. Should the City require new trees be planted to replace the trees being removed?	Number of Responses:	Percentage:
Yes	102	68%
No	49	32%
<b>Total Responses:</b>	<b>151</b>	<b>100%</b>

15B) If yes, how many new trees should be planted?	Number of Responses:	Percentage:
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See Attachment 3 of Staff Memo for Responses

16) Please provide us with any other comments and/or suggestions regarding this project:	Number Responses:	Percentage:
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See Attachment 3 of Staff Memo for Responses

## TREE REGULATION QUESTIONNAIRE – RESPONSES TO QUESTIONS 4B, 10B, 13B, 14B, 15B, AND 16B

### Summary of Responses to Question #4b – *What are your concerns with previous tree removal in your neighborhood?*

1. I live in a neighborhood where old ramblers are removed and large new homes built. Trees that were protected during teardown and construction were then removed (presumably by the owners) after occupancy. Why bother to have the developer protect a tree when the person who buys the house can then move in and start removing the ones that he/she doesn't want? And how can the tree canopy be enlarged when the new houses being built consume so much of the lots? There is no room for most trees after a re-build.  
taking down perfectly healthy trees just so they could have a view of the lake
2. New development has not preserved existing trees.
3. older trees cut down and replaced with young trees that need many years to mature or perhaps do not take into account environmental impact. i see a lot of greenery that is more shrub than tree and perhaps an imbalance driven by developers looking for manicured landscaping that offers little benefit vs protecting the existing plant life that naturally supports our very rich natural environment. eg, when they scrape down the earth and plant trimmed hedges and grass, the grass dies and turns brown and the natural wildlife who lived in the indigenous ground cover dies off. then the new ground cover, ie, brown grass and manicured shrubs, does not support new wildlife nor the former wildlife - while this might appear to meet the "goals" of our tree preservation, it is actually much more damaging.
4. No, because tree removal has been done responsibly.
5. Safety continues to be the highest priority, dangerous trees need to be removed. But, the areas of natural growth that house wildlife are important. I don't like a "manicured" look.
6. Removing healthy trees for the sake of a view.
7. Not necessary to accomplish the development project. Pruning ruinous to a mature tree.
8. 1) City mandated removal of some overly pruned trees that looked to me like they would recover. 2) Evergreen trees were ""limbed"" for 2/3 of their height and are now ugly. 3) Some nice colorful deciduous trees were cut without notice on neighbors' property."
9. Cutting down trees without permits.
10. Holy Family Church/School removed a HUGE amount of very mature trees. It seems they removed more trees than were necessary. No one in the neighborhood had any idea what was going to happen. Many of us would have liked to have had some input.
11. I have a green back behind my house, some of the trees are dead and look like they may land on my house during a severe storm, who should I talk to about this?
12. Local developers have always removed more trees than originally authorized, enforcement has been weak in response. We're losing our mature trees...
13. Several large trees in the last two years have been removed when they appeared to be healthy. There appeared to be no reason for their removal--what i mean is that the

trees appeared healthy and there were no apparent structural defects to explain why the trees were removed. They were very large--and were providing many aesthetic, environmental, and economic benefits. And i still miss them when i drive by where they used to be.

14. There were not enough tree removals. I still feel like my area in Holmes Point is too congested with trees and it's only a matter of time before some of them fall over, break power lines, cause damage.
15. "1. Developers and home owners cut down significant trees even when they aren't suppose to and just pay a fine or plant a baby tree if they get caught.
16. 2. People building a new house remove trees that screen their property from the neighbors but never chat with the neighbors ahead of time to discuss other solutions. Often houses are too close to the property lines and then there just isn't enough room for trees."
17. Preserving existing trees, incorrect planning documents provided to city by developers, unintentional/intentional tree destruction
18. Mature trees were removed to enable construction of new, oversized houses.
19. Citizens property rights were being restricted by overburdensome regulation regarding use of their property.
20. Removal due to negligence of contractor, construction damage
21. Not able to remove trees we feel s/b removed re: city regs.
22. Not sure if they were properly cleared. Also some done for development on very steep hillsides.
23. large mature healthy trees are removed when a modified plan could incorporate keeping the trees. In the past, private trees have been allowed to be removed without the City evaluating the trees first ( the rule of two healthy trees per year can be removed until there are only two trees remaining). Another concern is when tree companies routinely go through neighborhoods trying to drum up business and sometimes falsely telling people their tree is a hazard and should be removed.
24. Seasonal timing (nesting), number of trees and loss of habitat
25. Disregard for all trees on development property in that everything is bulldozed flat creating an open field. Small trees are then replanted around dwellings that are too small and out of character for the size of plot available. The trees mostly ornamental are out of charchter for the mature conifer trees within the neighborhoods.
26. Large significant trees removed w/o replacement, and removal during nesting season.
27. Removal only for purpose of reducing shade
28. The re-development of 1009 Market Street removed ALL trees and vegetation on the property. The project defaulted and now 1009 Market Street is a dirt lot with weeds that is not maintained. The buffer zone is gone and the developer has no plans and is not required by the City to make any improvements (restoring vegetation) to this trash collecting, weed covered dirt lot!
29. Before annexation, a guy bought a property and promptly cut down about 15 75-year-old Doug Firs. Like, why buy a property that has trees just to cut them down. Say he lives there 20 years and sells the place - it's not like the next owner can magically get back 75-year-old trees on the property!
30. Neighbor removed ~50 of trees on property
31. A little over an acre of forested land in y neighborhood was completely cleared for 2 houses.

32. Some trees had to come down to protect houses. Without removal, both property and lives would have been at risk.
33. Erosion into Forbes Creek
34. The city stuck it's nose into a private landowners personal business. No real world education, no real world experience. They value trees more than citizens
35. Far too many large and mature trees have been taken down from old and "established" lots, just to be replaced by oversized development with no green spaces left behind. Actually had a neighbor take down a few trees that we did not agree on - or was even informed about.
36. Homeowner removed trees from Ray's ravine, then claimed that it had been done years ago after my daughter complained to the city.
37. A new development of a wooded lot. Had no idea how trees would be removed. Tried to follow through the city, but the tree plan was submitted very late in the process and I wasn't notified when it was available. All but 3 of the trees were removed and those trees were on the far end of the lot. Many beautiful mature trees were removed, they were significant enough.
38. Not notified or poorly notified, not feeling like my opinion counts. Development favors outright clearing of land to make easy for new construction; would favor keeping some existing old growth trees and require developers to build around these areas.
39. Being aware of appropriate permitting of trees
40. I am concerned that the City is regulating something that is
41. "1. Trees were removed apparently removed legally, however, there's not one tree left on the specific property to which I am referring.
42. 2. Application was made for a street tree removal because it was diseased. The City only responded after 3 weeks to inform the owner that it was illegally removed. The delayed response is inexcusable and made the owner believe that there was not a problem."
43. I feel neighbors should be informed a head of time if trees might be removed (BIG ONES) but that there should also be limits on hedges as some are rediculously high (over 40ft and block views of others)
44. I've noticed several instances of huge trees being "removed" by dying (natural death? poison?). One example near Kirkland Jr High and other off Market near 14th Ave
45. Developer removed several large, mature trees without permission causing changes in lighting and environment.
46. Pace Chemical Site. When this gets going ...we all hope they'll keep the big trees.
47. Over development when there is not enough demand and when other services like fire department, police department, postal service, garbage recollection or street maintenance are not working well for a small population. Making the population bigger at the expense of recreational spaces and at the expense of poor services seems a rather bad choice
48. Mature trees that have out grown our urban size lots. Also trees that impact sunlight and solar gain
49. That we were losing our tree resources because the owner just didn't want to deal with needles on their roof. They cut down two mature trees that did not endanger the house or anyone else.
50. Tree removal along Slater Ave. has increased noise from 405 in our neighborhood, and tree removal around Forbes Lake has been extensive in the last 10 years. Both due to DOT work and development.
51. All the trees were cut down. Development can incorporate trees into the plan.

52. A new home was being built. They cut down more trees than was allowed by Kirkland regulations.
53. The removal of native trees because the homeowner just didn't like the look of them, not because of potential property damage or due to tree disease.
54. I've worked with the city a number of years ago regarding illegal tree removal by a neighbor. He took out at least a dozen fully mature trees on his property.
55. Trees taken down on unstable hillsides.
56. removal of ALL trees for new development sites - removal of perfectly healthy trees simply for pretty lawns and cleaner roofs"
57. Reduction in number and age of trees
58. a Blockage of removal of tree damaging my property and potentially adjacent alley gas and sewer lines
59. ALL tress removed to put in HUGE houses crammed on to small lots that used to have beautiful trees - I guess my concern is also about the McMansion issue.
60. The site was clear cut instead of thinned.
61. trees removed in Bridle Trails State Park were "mistakenly" removed because of rot. Seems like tree removers did not know what they were doing! These were big, beautiful, mature trees along a pathway.
62. if not by arborist could be harmful
63. The large number of trees being removed to make room for new building - but this actually occurred in Bellevue (we're on the border of Kirkland/Bellevue).
64. "much too open and less nieghborhood appeal. Lack
65. natural enviroment."
66. Removal of some trees exposes others to wind that they have not previously felt, which could cause them to fall over if their root systems are not strong enough.
67. The trees at 1009 Market St. were removed against the specific requirements of a variance that was granted for that site, at the behest of the builder. They were supposed to have been replaced, but in the two years since have not been. The site is an eyesore, and the noise and privacy buffer between the neighborhood and Market St. is gone. The city appeared to care more about the builder's issues than the neighborhood's needs.
68. 1) Curb-side (i.e. City-owned) firs were cut down. 2) Remaining firs were skinned (i.e. ""lion-tailed"" - only <30% of top limbs were left uncut)."
69. Housing should be designed to fit around existing trees as much as possible. So many times we see land cleared for a project, saving some of the trees, then later those trees are removed. Why is this allowed? They could live in Las Vegas instead of WA.
70. Several areas being developed nearby had every single tree cut down. I'm sure that makes things easier for the developer, but it is such a waste. It wouldn't be that hard to incorporate at least some of the mature trees into the layout of the housing track. Buyers might even prefer that to a clear cut space.
71. I operate a Tree Service Co.
72. Healthy trees cut down for no reason.
73. More concerned with tree massacres--topping, etc.
74. Whether it was done within existing regulations.
75. Didn't like seeing trees in the neighborhood destroyed
76. The restrictions make me feel like I'm renting my property instead of owning it and make me want to move to a city that isn't controlled by eco-terrorist nazi's disguised as arborists.

77. removal for development.

78. very large trees were removed next door. as a result the noise from traffic is alot louder and the shade it provided is gone

**Summary of Responses to Question #10b – *What are three ways in which the City can improve its tree regulations?***

1. "Require mature trees to be retained
2. Require a house plan to include existing trees
3. Require trees to be incorporated into development plans
4. i would restate my former concern, that it isn't just the "tree" per se, but also has to do with the surrounding ground cover and foliage. the tree itself, while critical, is part of an environment that needs protecting overall.
5. 1)Allow removal of private trees of any height/size, but only after mitigation plan approved and permit granted. 2) Provide free consultation to homeowners affected by neighbors' trees, e.g., view issues. 3) Provide a mechanism to notify City of dead, damaged or diseased trees that need attention, such as removal or pruning. Example, trees at approximately 10130 NE 62nd Street... some are dead, some need pruning, but if nothing is done by HOA, we will lose the trees entirely."
6. If you would have included a simple summary of the changes it would have allowed me to possibly answer this question.
7. This is not well written, because you don't outline how the old regulations compare with current ones. Also, someone can agree that the current regulations are better, but still need improvement. And why do you have to say three ways? My problems with the tree regulations are that first, there is not enough recognition that trees are a renewable resource, with a definite life span. Trees do not grow and stay healthy forever, and there has to be some better recognition that a healthy tree canopy has some turnover and replacement. Also, a tree cannot just be planted anywhere there is a strip of grass. I am continually frustrated by the push to plant trees in the planting strip between the sidewalk and street, even when these trees end up right below a utility line, or grow into the street or sidewalk. We have had some very ugly pruning done on 108th Avenue NE to clear trees from lines. And then no one wants to take responsibility for pruning and maintaining the trees, and dealing with the buckled and broken sidewalks.
8. large fir trees with 20 foot trunks should be replaced with more beautiful trees with a lower canopy
9. 1. require replanting and that maintenance be required for at least 5 years. 2. require the city to perform inspections during and after development and redevelopment. 3. Require that individual property permits have tree retention and replanting requirement.
10. When a property sells make sure the new owners are aware of the tree regulations.
11. Have a better info campaign. Most people don't even know that there are regulations and home owners think they can do whatever they damn well please.
12. Give out a phone number that people can call if they notice a neighbor cutting down a significant tree. Most people have no idea who they should call and don't believe anyone from the city will come out to check on it."
13. require homeowners of adjacent affected properties to be officially notified of development/planning. Posting notices is not adequate.
14. Single family lots should be held to the same standard or higher than short plats.
15. Do not interpret my analysis of the success or failure of a regulation in meeting a stated goal as agreement with the purpose of the regulation.

16. I will be very disappointed if I see the city or other agency using the results of this question without proper explanation of the question and the results.
17. This is a poorly worded question. Please take more care when using government funds to poll citizens in the future. It would be easy to misconstrue the results of this question, and I assume that this was not the intent."
18. City should plant and maintain trees along it's R/W. Look at Sacramento, Ca. People want shade along their routes and parking areas. They also want sunshine in the winter to mitigate ice and provide brighter interiors for homes.
19. City needs to be very understanding to clearing trees for solar gain in winter months. People should be encourage to create winter solar gain to reduce energy costs and create a more positive living environment.
20. Reduce City regulations.
  1. private property should have the right to remove trees without a permit due to cost. Everything is geared towards the rich rather than an individual who may not be rich. 2. The pre-2006 regulations were better. Having to measure the size of the tree you may want to take down which I planted is just a waste of energy. 3. Make it easy and no cost. Have the ability to plant a replacement tree esp if you planted the tree in the first place. I can't even remove a tree that may fall on my house and is ruining my foundation. I should be able to do that and replant another.
21. site visits
22. stricter enforcement
23. notification of regs to the public and do so on a consistent basis as people move in and out of the area. perhaps part of a new home owner/resident through billing"
24. Call developers to account before removing trees. The penalty is easy for a developer to pay after the fact.
25. Provide a clear and consistent campaign about the removal of Ivy around mature trees. Ivy is invasive and out of the public places and on private spaces kills trees.
26. Provide early education at the primary and secondary levels about the value of trees within our neighborhoods. Stewardship is passed down. If we are having a problem today in valuing the tree canopy in Kirkland then the value of trees was not thoroughly instilled in our generation. This is about culture and the values of that culture."
27. Do not allow hedges to grow to heights that block sun, view, light, etc.
28. This is the worst survey I have seen in my life - it's a ""Push Survey"" - where the desired answers are forced for the purpose of a report to obtain the desired answer and report to the "Public".
29. Who is responsible for this survey - names?
30. The City should evaluate each situation based on the specific circumstances and allow for replanting of trees (non-mature) to meet the City's goals.
31. Require new trees to be planted in place of old ones; in neighborhood of current ones, not necessarily in the same spot. 2) Research the pattern of developers and builders based on past projects; do they have a good intention pattern over the last decade projects in terms of environment? If not, grade the developers and make sure these improve on retention and replanting."
32. FIRE the people harassing citizens
33. FIRE Eric Shields for his gross mismanagement"
34. I do not disagree, but things can also be made clearer and better "sold in" to potential developers. As it is now, many secretly remove trees and try to fly under the radar.
35. Take views into account just as you do building heights.

36. Many developers initially overplant to create an immediate effect, new owners should be able to eliminate trees as necessary to bring them into balance and/or preserve views that are threatened by inappropriate plantings.
37. The 200 ft corridor from the water is not sufficient. It preserves views for those close to the water, but allows and even encourages by regulation those same owners to block views of those behind."
38. let home owners do what they want to on their property. The city does not help us with any damage done to our property by trees on our property, they don't help us clean up debris from leaves etc. so why should they tell us whether we can take down trees or not. Being elderly and disabled, trees cause a major clean up and safety and property damage issue which the city does not help us with at all and then limits us from cutting down trees on our own property. I think this is wrong.
39. Developers should be required to design to retain as many trees as possible.
40. They should be required to plant new trees on the basis of two for every one cut down or removed or move existing trees to new locations when possible."
41. be more specific with retention requirements. Also be specific with regards to builders or home owners responsibilities after the project is done. Often the remaining trees are left in bad shape and the green belt areas are abandoned. There are many examples even alongside a populated corridor like Lake Wa Ave and Street
42. My YES is marginal yes therefore: 1. anticipate development of improvements 2. inspect what you expect. City included i have witnessed heavy equipment parking and storage of material regularly within LofD. 3. Allow a comprehensive landscape plan on SF lot to mitigate tree tree removal. 4. someone put an subjective value on types of trees. cedar VS cottonwood"
43. The City should have less tree regulations in general
44. I don't believe the City should have any say about trees on private property, unless they pose a danger to someone's home or life.
45. There should be a binding tree plan/grading plan/site development plan submitted at the time of short plat application, or at least the option to submit such a plan.
46. The biggest current problem is that the city requires retention of mature, but often unsightly or otherwise undesirable, trees during the development/building process. Once the home is finalized, the homeowners can't wait to get rid of these trees, and replacement is uncertain at best. It would be far better to allow for more flexible replacement of mature trees during development or building. This would allow for a thoughtful ""right tree/right spot"" approach and the trees will more likely remain there for the long term. As a builder, I often plant more replacement trees than required and would be happy to be required to plant more replacement trees in exchange for more flexibility in removing trees that the owners will find objectionable and likely remove anyway."
47. I don't see tree retention happening in the real world of new development sites. What I see is clear cut.
48. So obviously we don't do a better job.
49. Better interest in fixing problem trees rather than mandatory direction without equal consideration of property damages being done by the tree--my situation a mature tree root system damaging my property foundations and potential damage to alley gas lines that place the city liabilities high in the event of gas line damage and resultant fires as well as damaging my structural wall structures. unrealistic direction limitations on solution and prohibitive cost of following repair direction in favor of tree retention.

Adjacent property owners would have no problems with tree removal--My request denied by city review. Liability of the city not recognized in favor of keeping the problem tree.

50. Focus tree efforts on public rather than private property.
51. Give incentives to developers for planting/retaining trees rather than fining them for tree removals.
52. Get the city completely out of the business of regulating trees/landscaping on private property. Trust private property owners do the environmentally suitable thing with their own landscaping."
53. This question asks how I "feel" about something that can and should be measured. Data on tree inventories post construction should tell you whether changes to tree regulations are justified.
54. For short plats and plats provide one tree retention review with the application and show the save trees on the final plat map. Reviewing tree retention at preliminary short plat, the LSM phase, and again at building permit phase for the new lot is cumbersome and very expensive to owners and developers. 2. Removing large trees and planting smaller trees in their place should be allowed. The larger trees sometimes provides a danger it they were to fall on a structure or private property."
55. As above, have developers/landowners adapt buildings and homes to existing trees. We do live in the Evergreen State. That name didn't come from ornamental trees brought in to replace the grand evergreens people are so anxious to remove when building.
56. Understand that if we own property we are legal adults and need to be allowed to make our own decisions about how to maintain our properties without having to call the city and ask permission. 2) Remove every part of the regulation that requires home owners to submit tree plans and hold meetings with certified arborists to show why our properties need maintenance. Arranging these meetings is a waste of time and quite bit of money.

**Summary of Responses to Question #13b – *What are reasons for removing trees on your property?***

1. not too near future, but some of the trees pose a safety threat to house and family.
2. safety hazard
3. Danger to property
4. Redevelopment of backyard
5. Old, damaged tree. Likely to fall.
6. I would like to know the long range plans for a large Evergreen that abuts the foundation or our neighbors' condo and is growing about 2 feet a year, now at about 35 feet. The root system must be destroying their foundation/garage level and is in our view corridor, though not a big deal. It just needs some preventive planning. That's an area where the city should focus some effort... tree preservation and prevention of destruction due to inattention by owners.
7. On too close to the house.
8. Roots are ruining sewer lines
9. They are dangerous, too high such as 50 feet the root systems are also cracking the concrete.
10. I want the city to remove the dead trees in the greenback behind my house. If there is a severe storm it could fall on my home.
11. Avoid trees falling on the house as they did in the 2006 windstorm.
12. My dogwood is in a bad location and doesn't get enough light or water and has a blight and doesn't bloom.
13. I'm not sure. But I have 2 trees that are infringing on my home. If I did remove trees, I would be willing to plant other smaller growing trees in areas away from my house.
14. I've just lost two cypress to bark beetles, and am afraid that two more are under attack.
15. One tree will likely not survive much longer despite my best efforts to save it. If it dies I will remove it.
16. Over crowding creating unhealthy trees. Create winter sunlight for better living.
17. We replaced our roof at a cost of over \$30,000. Now a short eight years later the damage done by pine needles and the associated moss have shortened the 20 year life span of the roof to only 10. We are a strong advocate of tree canopy regulations, but we also want to practice stewardship of our building and the sustainability of its materials.
18. may need to remove one to make room for home expansion. It is conflicting with a neighbor's tree, so it may make sense anyway.
19. Tree is slowly dying. Each wind storm breaks off more and more branches
20. poor placement on property when initially planted
21. too close to the house. I worry they will fall in a strong windstorm
22. Damaged by last winter's weather.
23. The property line trees were planted too close to each other and as a result the only 'green' portion of the trees is the very top. Had the trees been planted with the proper spacing for a mature tree, then there would have been a nice buffer to the neighboring building. Because a homeowner can only take down 2 trees per year, we are in year three of removing the old trees. When the last tree and stump is removed, new landscaping and a planted buffer will be installed.

24. Leaning against neighbor's fence, destroying the fence.
25. tree health, remodel, allow more light
26. Disease and old age
27. TO KEEP YOU AT BAY
28. No plans to remove our grand oak, but it is VERY large, and even though we have had it pruned a few years back, it is VERY close to the house and unsure how it'll fare in a serious windstorm.
29. danger to buildings
30. too large to maintain
31. impacting too much area of yard by shade and leaf/needle drop"
32. damage from sap and crowding out of other plantings.
33. Different landscaping options. Trees blocking my neighbors view and I like them more than I like that particular tree.
34. However, we made a lot of beginner gardener mistakes and planted too many trees, too close together and now face challenges (think Leland Cyrpess gone crazy)
35. One is dying ...and will eventually be cut down when it no longer produces leaves or cherries
36. one has died, fruit trees have a lifespan, some are too large and were planted years ago.
37. On a small lot 6000 sq ft, we have 3 trees touching each other already.
38. development
39. Trees get sick/die, become a hazard.
40. if dangerous
41. They were placed to close to the home and now that they have grown, they are encroaching on the house.
42. too near the house, threat of falling on house
43. only by direction of city prohibiting tree removal solution
44. It is very messy tree. I intend to replace the tree.
45. diseased and interfering with roof of building
46. Because some of them are sick, and because it is our property, not the City of Kirkland's.
47. Tree - the roots are going under foundation and up the down spouts
48. It is a fruit tree, we value the crop it produces.
49. They provide privacy as well as beauty, and are good for the environment.
50. Safety from wind and fire; need for sun; garden plans and reduced collection of debris.
51. However, several trees appear to be ailing, and I may elect to take them down before they fall down (with some risk to City streets and sidewalks).
52. To Large for area where they were planted 7 Yrs ago
53. Some trees are causing damage to drains, roofs and pathways.
54. blocking view of lake
55. Dying trees
56. Some are too close together
57. I can't say what my plans are. Your arborist storm troopers may kick my door in for thinking about chopping down the tree that may fall on my house during the next wind storm.

**Summary of Responses to Question #14b – *What are your reasons for planting trees?***

1. trees are great. love em
2. Create shade, enhance the biodiversity of the landscape, aesthetic reasons, absorb stormwater
3. one fell over in a storm last winter
4. lot too small
5. replace dead tree
6. redevelopment of backyard
7. we recently planted many trees on the property.
8. aesthetics
9. Nee to see a little sun!
10. Replace tree we will remove.
11. No enough room on property and I want sunlight
12. I have 7 trees already
13. We recently re-landscaped our yard. Several old unkept trees were removed and at least twice as many were planted.
14. I am already overloaded with Douglas Fir needles in my gutters, on my roof, and everywhere in my home. I do not want ANY add'l trees on the property, ever. We just don't have enough sunshine.
15. We don't have many.
16. We don't plan on planting more trees because we have already planted enough to double what was on our lot when we moved here.
17. Have already planted trees as a part of new landscaping in 2005-6.
18. landscaping
19. Preserving privacy, woodland setting
20. Not at this time unless I would remove the 2 trees mentioned above.
21. Property is already heavily populated with mature trees
22. I like trees. Screening boundary fence with backyard neighbor, providing home-grown fruit. Property value enhancement.
23. landscaping
24. as part of a townhome community, the board has responsibility for adding trees
25. Replace poorly placed trees and or unhealthy trees.
26. We like trees and feel they contribute to the overall wildlife habitat.
27. i like trees.
28. not near future, but when get a chance and economy reebounds, would like to plant smaller trees
29. I wouldn't want to go through the process of requesting to remove trees that I planted.
30. I believe that trees are an integral part of my property that I value and enjoy and provide good habitat for wildlife. I would also plant to increase the diversity of trees on my site and my personal enjoyment of the different characteristics. I am well aware of the value of trees and want to promote it. I woud like to have a park like setting. Every year trees are lost due to storms, age and developement so it is good to continue to plant and grow trees for replacement.
31. Replace weather damaged trees and increase privacy

32. Screening
33. Replace storm damaged trees and increase lot privacy
34. Property is built on hard clay base - hard to support healthy tree growth.
35. Previous trees were planted too close to each other.
36. to help make up for other trees that have been removed from the area
37. Danger to my home and family
38. considering adding one or two fruit trees.
39. Replacing the removed trees
40. I like trees but I can't let them get large enough to become your property
41. We have no green space left for additional trees, but has been planting bamboo and other shrubs to keep our property green, and to provide some privacy - that was taken away when neighbors took down trees.
42. There are alot of tall trees in neighboring yards that provide shade to my property.
43. Shade, holding the hill in place
44. replace trees with more managable and reasonably place locations
45. landscaping.
46. beauty
47. I like fruit trees so I am removing conifers for semi dwarf fruit.
48. Removing lawn and planting fruit trees
49. Privacy - choosing a tree rather than a fence
50. actually just planted 7 trees but they replaced trees that had trunks about 4" in diameter and they were very sick leafless trees.
51. Our house is surrounded by a mini-woods. We have volunteer seedlings galore. We do replace trees that fall down during windstorms (a common occurance)
52. Damage to house, light issues.
  
53. Replace a diseased tree.
54. replacement landscaping of appropriate size and species.
55. keep the gardens at Marsh Commons as good as possible by replacing old/sick trees
56. We want to change an evergreen to a birch tree.
57. Market desirability
58. removing lawn from front yard and replacing with shrubs/trees/natives. Also, removed two diseased trees and will replace with three trees as per the city permitting regulations
59. I can use another fruit tree
60. Improve the landscaping.
61. To replace the trees that I need to remove.
62. Fruit
63. Have planted 15 trees in last 2 years, landscape and enviornment improvement
64. lost a 12 year old tree a year ago to windstorm, I wanted to replace it
65. no more room
66. My property building is bulilt on property lines downtoiwn central business district
67. To replace the one I removed
68. want fruit tree in yard
69. Once again, I fail to see why it is any of the City's business what we do with the landscaping on our own property.
70. Possibly adding a fruit tree or two

71. shade, privacy, & yard appeal
72. We have several trees that are <6" diameter. They are appropriately sized for our small city lot, and we do not have room at present for additional trees.
73. No room in my garden.
74. Choice of deciduous trees for blossom and seasonal color and winter sunlight.
75. Smaller trees or shrubs to replace those removed
76. Help the environment and to screen adjacent property that will be developed in the near future. We have planted many trees. We like the woods!
77. landscape beautification
78. More shade, beauty.
79. replacement of dying trees
80. Have a spot where one blew down
81. I like trees. I may plant bushes or weeds instead so I can avoid having to pay hundreds of dollars to trim them.
82. I have planted approximately 10 trees on my 1/3 acre in the last 10 years. I am out of room for trees.

**Summary of Responses to Question #15b – *The last two mature trees are removed...how many trees should be planted?***

- 2
- 3
- It depends on how you define a tree, what the site conditions are, why the existing trees are being removed.
- equal or greater amount
- one for one mature trees
- 2
- four
- At least two
- 2
- two
- 2
- sufficient to replace the value of the old tree within 5 years.
- I think we should have "tree equivalency." Two 4" trees do not equal one 8" tree. And I think they need not be replanted on the same property, but "nearby," a term yet to be defined.
- 2
- For every tree taken down one should be replaced -perhaps on "parking striip" side walk lanes
- Depends.
- It's likely difficult to keep track of, but at least the same amount as were removed seems reasonable.
- At least two
- 1 for each 1 removed.
- Equivalent replacements.
- 2 trees for each tree removed
- one or two
- but not necessarily in the same location or the same type of tree. Developers plant trees in bad locations all the time in order to make a property look landscaped. Putting a coral bark maple up next to a house is stupid because it will grow fairly large in 20 years time."
- two
- How about 2 new for 1 removed.
- Enough to provide 45% cover within 20 years.
- If significant development is involved, yes.
- Enough such that eight years hence, the average expected above-ground mass of the planted trees will be .75 times the approximated above-ground mass of the removed trees.
- The city should provide a website and paper form for calculating common tree types estimated growth mass.
- The city should compensate property owners for the effective cost of use of their property for the new trees if the property was purchased prior to the effective date of

the regulation. If there is no net economic loss (as is frequently the case) then there is no compensation.

- Whether court cases agree or not, this is an eminent domain taking of private property or the effective use of private property. If this diminishes the value of the property the owner is entitled to compensation."
- minimum two, appropriate to surrounding utilities
- would depend on the lot - enough to provide shade and greenscape without making area too shady/dark
- 2 trees and these trees can be placed on city property anywhere for mitigation. If no city property is available or the owner does not have reasonable space for trees ( I.e. Cities allowance of dense building), then no action for tree replacement. No more than 2 trees need to be considered.
- Replace them on a one-to-one basis.
- Yes, but I don't think we should pretend that it is a 1 for 1 exchange. a mature tree is worth 20 newly planted ones. In general, yes, if a mature tree needs to be removed i would encourage planing new trees.
- one
- I don't believe the last two trees should be allowed to be removed if they are healthy. how many may be site dependant but defiantely more than one. I also think more conifers should be required as those are our biggest trees and if we continue to allow them to be removed and only a small deciduous tree is put in for replacement, we are on the losing end.
- don't know but
- one for each removed
- Two trees for every one removed.
- one for each tree removed
- If the mature tree is next to the sidewalk and is cracking and displacing the concrete sidewalk and curbing and creates a 'sidewalk hazed' with uneven surfaces and holes of missing concrete that the city has 'patched', the tree should NOT be replaced. But the sidewalk and curbing still needs to be repaired to prevent a pedestrian trip hazard.
- five
  
- 4-6
- 2
- My land - my decision, not yours and non of your business
- 2
- At least half of the removed trees should be replaced
- I love trees, but when you were given this power you abused it to absurd extents
- Yes, in most cases - although there has to be exceptions when trees are too large and too close to dwellings.
- At least as many as have been removed.
- At least two
- one for one -but NOT necessarily mature trees
- 2
- But there should be a significant penalty paid by the property owner.
- depends on size of existing trees.
- 2

- 3:1 but they should be permitted to be planted off site (public property) if the lot is not large enough to support the trees and the future owner will just remove them to put in play structures, lawns, etc.
- 2
- it depends what type, size, landscape design, house foot print, etc.
- if the person removes them. WHY would the city have to pay then? wouldn't that be the owners responsibility?
- I reluctantly say "yes" although I hate to affect owner's property rights. I think a one to one ratio makes sense.
- Two for One ...when possible - based realistically on space.
- one for each removed.
- $n+1$  where  $n$ =trees removed.
- Yes, but within reason. If they obstruct view, then maybe not, if they are old and dying, then replacement should occur minus obstructing view.
- depends on size, type, and location and cov's protecting tree.
- 1 for 1
- Same number?
- with the proviso that it's practical. sometimes old trees are removed but due to newer utilities it can be difficult to plant new ones. Also, if there is a new solar installation on the property, there should be an exemption from planting trees that might shade it.
- 2
- same as removed
- 2
- 2
- Two trees that will grow to an appropriate significant size.
- If reasonable.
- 2
- 2
- 2
- I want to say NO...as planting a new 3 inch tree to replace an 80 year old tree is hardly a replacement. I am from Texas...I value trees...as we don't have them and protect the ones we do.
- Equal number and there should be minimum size (ex.: trees at least 5 ft. tall), seedlings don't count
- 6
- at a minimum replace the same number of kind like.
- At least the number of trees being removed
- The property owner owns the trees, not the city
- same amount that were removed
- two
- at least one for one
- 2
- At least two
- equal amts.
- 4
- 2:1 ratio
- Depends on the number and kind of remaining immature trees, and the kind of trees removed, and the kind of trees replacing the ones removed.

- Two trees for each one removed.
- 2
- 4(double what they take out.)
- 2
- 2
- 2
  
- Four
- 2
- two
- 2
- People don't just cut down trees for no reason. There isn't a single person in the area who has randomly deforest their property. Most people love mature trees, but sometimes they are a danger to the home or are actively damaging the property and have to go. There's absolutely no reason that the city should be telling people to replant trees if they are removing nuisance trees.
- 4
- 2

**Summary of Responses to Question #16 – *Please provide us with any other comments and/or suggestions regarding this project.***

1. I think the level of government intrusion into private property rights has extended way too far; with tree regulations only the latest example. We have a number of mature trees on our property. These are trees that we bought, planted and nurtured for more than 25 years. They do not belong to the City or the "community". Decisions regarding their fate such as whether let them die from brown rot; or whether we cut them down are not the government's business.
2. I feel as long as you plant trees to replace ones that are removed, that should be the extent of the regulation.
3. Know the current research in arboriculture. At least one study shows that a cleared plat with stringent replanting requirements may be more successful years down the road than one where mature trees were protected during construction but later failed due to stress on the root zone (which ALWAYS extends beyond the fenced area).
4. 1) In a development in my neighborhood, the builder was easily able to have most of the trees condemned to get around the regulations. One tree was left for seven lots of healthy wooded area. It is my (and others' perception) that developers can work around any regulations they do not like. 2) In my area, many homes' view and exposure has been lost because of the city practice requiring no cutting of trees in the wetland. These "trees" are weedy saplings that grow along the side of the road, planted by no one, wanted by no one, and of no benefit. Yet they cannot be cut down or even weeded out because they are on public property. Meanwhile, see #1 for what happens to the mature existing trees.
5. If trees were allow to grow to maturity and if development did not occur, the trees would be over 100 fee tall and block views. That's the nature of evolution and development. Mature trees should retained whenever a house is built.
6. I'm personally frustrated at how difficult your requirements are to read. We simply would like to carve out more useable space in our backyard and replant immediately more trees. The fact that builders were allowed to build so close to the trees 20 years ago frustrates me now. Because now the burden is on us.
7. i applaud the city of kirkland for taking so seriously the environmental and sociological necessity for protecting the trees in our area. i would encourage the city to continue to work toward a more sustainable and broader environmental approach. in short - good work, keep it up!
8. Trees on public property in view corridors should be topped at the maximum building height to maintain views.
9. Keep up the good work>
10. King County was able to have developments with mature trees integral to the design, why does Kirkland development start with bulldozers across almost all of the land? Why can't we

promote our tree policy at the household level and in our schools to build an appreciative next generation?

11. I think the City is overly involved in "reaction" and needs to be more pro-active with neighborhoods and homeowners. We're your allies in this, but don't know what kind of support we'd get or if there's a process for those of us who are not developers.
12. It should have explained what "tree canopy" is. How in the world was I supposed to answer the first several questions? What does 32% or 40% mean??? Very poorly created survey!
13. I think the concept is great but you see in some instances such as our HOA it cost us more money to remove trees that were 100 feet high due to the policy of the city. It really made no sense frankly. These trees were dangerous, they were 100 feet tall and 2 feet from some homes yet we could only remove a certain amount. So, we waited another year. Yes, some were still healthy but where does common sense start and finish under these circumstances. In this situation your arborist was wrong but had to work under your policies.
14. I am particularly concerned with large, older diseased trees that provide a potential to cause damage in a storm. Our neighbors across the street have quite a few very old, large trees and if they fell, would land on our home. It would be nice if the City could start inspecting large trees to prevent potential. The cost could be charged back to the homeowners. That might be difficult, but it seems that something should be done to keep track of the older trees.
15. Some of my neighbors have up to 10-12 tall spindly trees in their yards, very close to their homes, and have to wait months for permits to come. There should be a better middle ground to keep both owners safer from falling trees (potential of), and the city trying to retain its tree cover. Trees in the median strips are gorgeous, BUT then give us slippery roads in the Fall and Winter. Wish we could have trees at fencelines only, to give us all the oxygen we need, the privacy we want, but also keep the green mold off the houses and roofs due to lack of sun.
16. I don't think that tree regulations on private property is the City's responsibility. If you want to increase the tree canopy, you should plant trees on City property, not force homeowners to do it, or keep existing ones. There are far too many repercussions from trees (roots, views, fall damage, and maintenance among others) for this issue to be regulated in a manner that is fair and makes sense.
17. I don't like government even city gov controlling what people can do with their private land. Hopefully this will not take people's rights away from them.
18. I have been disappointed in the Houghton Community Council's weak leadership regarding this issue of tree conservation within the Houghton Neighborhood. This has been a great disservice to the future quality of the community. Meanwhile, I applaud the responsible leadership of the Kirkland City Council--thank you.
19. Trees are a vital component of the Kirkland environment. Long term planning and planting or trees as well as on going maintenance is critical to the future of our city in decades to come. I am VERY frustrated with street trees that die or are damaged in auto accidents that are not replanted. These are important to our city and MUST be replaced. We need a program where trees are replaced every fall--such a program does not exist! Study after study has

proven that for every one dollar spent on tree maintenance, that street and park trees return between \$1.69 to \$5.09 in benefits to the city. This city MUST increase the amount of money spent on park and street tree maintenance! None of us can get this same return on investment on Wall Street! The City Council MUST increase the budget for tree maintenance in the City! Crews need proper equipment and adequate training to perform maintenance on trees to benefit our City. Street trees are incredibly important to the look and feel of Kirkland. Too many trees are suffering due to a lack of water in the summer. Parks have recently been putting drip bags on trees. But this is not enough. We need a program where property owners are made aware of the value of street trees to their property values and businesses are made aware of the value of trees to increased business and that if they water the street trees we all benefit. Question # 7 above is interesting. In that, this is America and we should have the right to do what we please on our own property. And yet, trees on my neighbors' property benefit me with their aesthetics and their environmental benefits. Given that properties with large trees have a higher value than the same properties without mature trees, and that the trees in the neighborhood have a positive effect on my property values, we should all be taking trees and property values into account before we cut down healthy mature trees.

20. As a property owner, you should have the right to do whatever you want with trees on your property. There should be no need to submit plans for removal, trimming, replanting, etc.
21. I think that there needs to be more information out there about what are 'okay' trees to plant in Kirkland so that they don't block views or fall easily or have invasive roots. Perhaps the tree suggestions could be handed out at local nurseries and nursery gardeners could help property owners do a better job of picking a good tree for their property. I think the city should think a bit more about where it plants trees. They are often under power lines and often need pruning or over underground utilities and their roots can cause problems after awhile. The city needs to have money set aside to take care of sidewalks and roadways that are distorted by tree root growth. Also I see trees that have been planted in a row along the street and inevitably one of the trees will be blocking the driver's view of an important road sign. There needs to be more oversight by the city to make sure that driving views at intersections are not obscured by trees. Too many home owners aren't keeping their trees pruned. The city seems to have little power to make home owners prune their trees nor is it willing to come out and prune privately owned trees that overhang the street too much
22. How can homeowners protect healthy trees on their property from neighbors and developers.
23. I should make it clear that I love trees and gardening in general, and I understand that we as a city have the right- the responsibility- to enact regulations as to the character of the use of property in the city. However, it is unacceptable to diminish the value of private property for the public good without just compensation to the property owner. This is the concept of compensation in re: eminent domain. The existing tree regulations, while accomplishing an effect I prefer, do so in a manner that concerns me for the rights of my fellow property owners that may not feel the same about trees as I do. If we as a city decide to create, or continue an existing tree regulation that impairs peoples private enjoyment and economic exploitation of property then we must be prepared to spend the city funds to compensate those property owners. This raises another issue. At present: \* The city is proposing additional taxes \* Cutting city services including parks (with lots of trees ironically) is being contemplated in lieu or in addition to the above. \* Previous temporary taxes have become permanent. \* We are in a recession. I question whether adding additional costs of

notification, enforcement, remediation and compensation to the city, or passing the burden on to private individuals in a time when economic activity is to be encouraged, not discouraged is appropriate. Thank you for taking the time to solicit input like this via the Web. I work at a startup 60+ hours a week. I rarely have time to attend city meetings. Getting input in this manner makes it possible for me to participate when I am able to.

24. Provide guidance on managing healthy and damaged/diseased trees.
25. Afraid I don't know what current tree regulation is. I appreciate the City's desire to protect trees, but believe that at times tree protection is given too much priority over increasing amount of sun ground cover gets.
26. City is concerned about trees but seems to care little about allowing the subdivision of lots creating a dense populace, traffic problems, neighbor problems, all resulting in a degradation of quality of life in Kirkland. Additionally, the City does nothing to maintain property values when it comes to derelict properties. Non-resident owners are allowed to let their properties fall into despair and or renting to people that care little about the neighborhood and it's peace and safety. The City needs to look at it's priorities and create a better living environment for property owners that live here, trees are not where we need to spend resources. The City's lack of concern for property owners (that live here) rights has contributed to reducing property values. We have huge forests in the Pacific Northwest we do not need to live in these forests, nor do we need to try and create a forest environment for each lot in our city. If people want to clear trees for any reason they should not be controlled by City laws. Reduce existing laws that impinge on a property owners right to maintain his own land.
27. We had several large trees come down in our backyard from a city right of way a couple of years ago. Since then I have been concerned about the stability of some of the trees that are being preserved. As you look to maintain and increase tree coverage (which I strongly support), please also include basic safety considerations.
28. Tree regulations must walk a fine line between wildlife habitat and a homeowner's personal property rights. In my mind, the City of Kirkland has modestly tipped the scale too far in favor of the tree canopy and has over-reached on the rights of individual homeowners. We need to slightly soften the current restrictions in the Tree Regulations.
29. I don't think the City should be concerning themselves too much with trees on private properties. I have to believe there are more important issues to be dealing with.
30. I think the main concern that I have is that the people who have the money or know how to work the system get the trees down but the individual homeowner who can't afford the time or money it becomes ridiculous. I love trees and I think it is great we try and preserve esp in parking lots, parks, etc. But I do believe the individual homeowner takes the brunt of this. If the tree falls on a house and I was not allowed to cut it down, will the city pay for that? No but I have to. Just unfair to the homeowner who is not rich.
31. Notification of City ordinances regarding trees should be sent to every property owner, developer and tree company. too many people use the excuse of "oops I didn't know"... site visits by the City arborist and urban forester should be required before trees are allowed to be removed. an arborist report from the owner or developer can be written in such a way as to favor what they want and is not always trustworthy. developers have been known to not

do a complete site plan showing all trees. we need to increase code enforcement and fines. required new plantings of trees should be checked both at the onset of the plantings and at the end of their bond time for health and proper structure.

32. I am strongly in favor of preservation of trees. There are air quality reasons, ground quality reasons, wildlife reasons. Removal should be allowed but restricted. We need to think outside ourselves and be courageous in our tree policy. Sometimes trees are diseased or pose a threat of falling and causing damage or harm - this removal should be allowed. Re: The survey. Some of the questions were leading. Some were not well worded and/or left too open to interpretation. Surveys are difficult to design and need some expertise. They also need to be unbiased.
33. Thank you for caring enough to run this survey!
34. As a homeowner: I should be able to do with my trees whatever I choose as long as this does not adversely impact my neighbors (from a safety perspective). I do not want the city telling me what I can and cannot do!
35. If Kirkland wants to promote itself as a 'pedestrian friendly' city, then they need to maintain safe sidewalks and remove the trees that are destroying the sidewalks!
36. Many people object to the regulation of tree cutting within private property. I think it is important for city officials to keep in mind that trees play a "public good" role in our environment. Their impact goes beyond the limits of any person's property. So there is definitely a justification for the city to protect them. When trees are cut down, whether within private property or public, it has a negative impact in the air we all breathe, the aesthetics of the city as well as the habitat of wildlife and the ecosystem overall.
37. Because trees take so long to grow, they aren't replaceable in any real sense. If you cut down a 100-year old tree, it will take 100 years to replace it. Therefore, trees should transcend property ownership, at least to a degree. Large trees should not be cut down, period. The bar should be very high for deciding that a tree is a hazard. You might encourage people to pre-plan for tree removal - maybe a way to register that a tree planted now is intended as a replacement for a tree already on the property. Then 10-15 years later, the old tree could be removed with less regulation than if you don't have a designated replacement tree of at least a certain size.
38. I am one home owner who is bringing suit for this dumb law - will be filed this year!
39. the focus should be on the circumstances relating to the individual property. If the property has 6 or more trees, removal should not be an issue. If large mature trees are potentially dangerous in a wind storm, their removal should be allowed and then discussion as to the planting of replacement trees.
40. There should be some debate over 'boundary line' tree removal. I would like to be able to remove trees well within my property boundaries. But if a tree is within, say, 10' of your property line, maybe there should be a review process. Keeping more boundary trees should provide the required tree canopy that you are seeking, as well as provide a feeling of separation.
41. Stay off our property for your own safety

42. No trees should be allowed to be removed - even if they are replanted - just because someone wants to improve their views of the lake. Make sure we keep areas (like north of 110th street and east of 104th Avenue) lush and green. Those areas are so beautiful and very different from i.e. the now almost clear cut East of Market neighborhood. This is a VERY heated issue, and please keep tab on responses since I fear that a few individuals that have very "adverse" relations to the city and any "regulations", will have their friends and families provide a larger number of responses, skewing the true opinion among Kirkland residents.
43. Sometimes there are valid reasons why trees should be removed (dead or decaying trees, growing too close to a home and could pose a threat in a wind storm, roots disturbing sewer lines). The City should require homeowners to get a permit to removal trees, but be lenient in some circumstances (as those mentioned above). I don't believe that builders or developers should be able to remove all trees from a property so that they can maximize the amount of houses they can built in a plat. I am a real estate agent on the Eastside and I live in Kirkland. Susan Lemaire
44. Why does this survey not cover View protection? We are a city where views are valued, but they do not seem to be valued by this project. We have zoning that addresses building heights, a desire to create a bowl effect in the downtown to protect views, but would allow and even encourage the planting of big trees that would block these same views. Where is the consistency? In some places trees are the view and inance value; in others they are unwanted because they block the views.
45. Single family property owners should have a great amount of leeway in the maintainance and/or removal on thier property. Proposed developments should be given consideration to existing tree removal if replacement tree locations can ber identified
46. If the goal is to increase canopy coverage, consider incentives for private property owners or businesses that encourage them to plant trees.
47. thanks for the opportunity to input
48. I think that Kirkland is a view area. To that end, I think polite neighbors should grow trees that don't block the views of their neighbors (sub 26 feet). Park areas and city space should have as many trees as it can support. Govt. should encourage but not require trees on private property. To that end, your question number 1 is flawed. I like the idea of a higher tree canopy number. I don't believe it should be required by the city. If I answered higher, I am concerned that the answer will be used to support an agenda for more regulation.
49. Why can't you just encourage people to plant trees? If the point is more trees, rather than invest in services to track the number of trees, use the money to plant trees. This, to me, is a ridiculous use of funds and time. Why do the older trees really need to be kept? Many of the older trees are messes wrapped around power and/or telephone lines and look awful. Frankly, I'd rather take these trees down and plant new trees that are less likely to take out essential services. Also, I find it ridiculous that I might need to get a permit to maintain trees. I have to pay to maintain trees on my neighbors lots that grow over on to mine and that's enough of a hassle. I'm going to end up paying close to \$1000 this month to fix the messes of trees, bamboo, etc in our neighbor yard that is now tearing down my fence. If it's decided

that a city tree policy is more important than my private property, then I'd expect the city to pay for repairs to the damage of my property.

50. I am glad folks are thinking about this stuff. Trees are key in our neighborhood we should have the city planting more on streets and enforcing more citizens to apply for permits to remove trees. BUT I also think the city should approve permits but require that at least 50% of what is taken down be replaced.
51. I didn't understand the benefit of being notified of future tree removal (#3) unless there were some action that I could take. Maybe there is. I am distressed every time I see mature trees being cut down, dramatically pruned or made to die (wonder about poison.) On the other hand, as a home owner, I want to maintain rights to manage my property within reasonable bounds. Over the years we have voluntarily planted literally dozens of trees yet now could be constrained from easily removing them.
52. Angry citizens whose territorial views are now being blocked by trees which have grown taller should be politely asked to go away. The "offending" trees should NOT be cut down.
53. Planning is driving this policy, a planner should be inspecting. Also put a price on a tree's trunk, paid into a tree bank for those times the city and applicant simply disagree on removal but can move forward agreeably. We believe the tree policy has generally matured pretty well after a rocky launch. By the way the most important question as far as I am concerned is understanding the impact of # 11.
54. Not to put too fine a point on it, but I don't think too many residents (myself included) frankly know all that much about trees. My neighbor pointed out that my tree had died, and I got someone to come in and pull it out (which cost more than I would have liked). I would love for the City to help educate on tree planting options (e.g. what kind, where they should go) in a helpful, friendly, educational manner - not just a regulation/fining model. For example, partner with the local nurseries to send out fliers to residences in Kirkland with information on the benefits, how to set up, etc., maybe including coupons... Thanks, -Will
55. Kirkland does a great job of protecting trees, but the bureaucracy can be very unfriendly. Just because a land owner needs to remove trees doesn't mean they are out to destroy the environment. There is a real lack of cooperative engagement from the city. Things get adversarial from the start for individual landowners. It feels hard to deal with the city for one little thing when it seems that developers are cutting down swaths of trees and building on wetlands regularly.
56. We had two trees removed over the past year. One was a safety hazard.
57. This is a difficult thing, ownership of trees, I believe that we need the trees of our health and 40% coverage is a good idea. Come see our exceptional trees I think old growth for a few.....m
58. I believe the city should be less involved with trees on private property. This is extra overkill on waterfront property.
59. Trees planted on public property under utility lines should not be topped to fit. It would be better to plant trees that are naturally shorter, or to require more trees in parking lots and other public and semi-public areas. The whole concept of planting naturally tall trees under

utility lines, then later butchering them benefits nobody, is unsightly, and costs the utilities that have to prune the trees. I've seldom seen a tree pruned correctly by a utility company. This just seems like common sense, and I don't understand why this hasn't been addressed in the tree conservation discussion.

60. I believe one of the amenities of Kirkland is our abundant views of the lake and the mountains. The larger the tree canopy the fewer the views. Taller trees also limit the ability to take advantage of solar heating which I intend to do soon. Mold and mildew are also more prevalent when trees are blocking the sun. There needs to be ways to find a middle ground to protect views and provide sunlight while still serving environmental value of forestation. How about more vegetation but just at a lower elevation?
61. I think that trees that are prone to splitting/falling like cottonwoods and some evergreens should be treated differently than hardwood trees. Big, old cottonwoods can be very dangerous. But, trees should not be cut down just because someone wants to build a monster house. We have too many of them already.
62. I believe that the rules should be slightly flexible to meet special criteria that can arise. The rules should not be rigid and the goal should be to work with the homeowners on a mutually beneficial approach for the city and the homeowners. I have not been impressed with how the city responds to its citizens requests for tree trimming in parks especially dead limbs that can be a hazard in windy conditions (Heritage Park).
63. While I believe that maintaining our tree population is important, I do not believe that it is the City's place to control the minimum tree population. If a tree is damaging someone's home or poses a risk to the property, a homeowner should have the right to remove it without going through the red tape of getting a permit, hiring a certified arborist, etc.
64. Thank you for setting high standards....I wish there was a larger fine for tree removal without permits...
65. How about a Carbon tax credit for the numbers of trees maintained by homeowners? Rewarding tree growth might be a better approach than just policies and restrictions. Carbon credits shouldn't just be an option for the industry. Involve the private sector with awareness/education and rewards. People tend to pay more attention when it concerns their own \$\$\$. After all we all benefit from trees.
66. Don't direct solutions re trees that cause property owner damages and directed cost. If city wants to direct the property owner then absorb the results and cost of their direction/solutions impacting the property owner property, either physically and financially.
67. You should place efforts and funds for the maintenance of public areas/parks only. If you insist on maintaining the 40% canopy then you should ensure that the trees in private property should meet the safety and care requirements in order to avoid damage to the neighbor's property.
68. I think that this project is a complete waste of taxpayer money. I also think that the way the questions in your survey are phrased shows a tremendous bias toward City involvement in an area where I don't feel staff should be involved. I tend to think that the well-educated, environmentally conscious homeowners of Kirkland can take the appropriate steps to protect our environment without fines/hammers levied by the City.

69. It's tricky getting the right balance between individual property rights and the common good but mature trees are so valuable to all of us that there should be some kind of clear and constructive regulation insuring their survival.
70. Trees that are not native but rather planted eg; apple, Cherry, birch, flowering cherry, Kasara, or Plum etc. should be exempt.
71. I believe American Forest's tree canopy cover recommendations are being inappropriately applied in shaping the urban forestry goals in Kirkland. Please revisit AF's definition of suburban, it does not match the single-family lot sizes that predominate in Kirkland. I would much rather see City resources directed toward tree planting and habitat restoration projects on public lands, as well as proactive maintenance of City street trees. I would also urge the City to negotiate with Puget Sound Energy's subcontractors to conduct line clearance pruning according to arboricultural standards. There is no excuse for the hack jobs currently done to City trees.
72. I don't live in Kirkland but am familiar with the tree regulations. It seems to me that the allowable lot size has become so small that it is increasingly difficult to retain large fir and cedar trees on side perimeters and in front yards. Lots are getting smaller and houses are getting bigger, leaving no room for large trees to flourish.
73. I think there should be some thought given to the height of trees and the variety of trees that are planted. I think our view corridors are important, and can be better preserved with trees of shorter mature heights or narrower circumferences, of which there are many beautiful examples.
74. Please consider reducing the city's monitoring of private home tree removal. Please consider differentiating for small and large private lots, especially for the cost to owner of large lots to remove just 2 trees in a year, rather than 5-6 trees in a 3 year span. Continue education efforts with our park plantings and for developers, and maybe offer what Seattle has done for fruiting trees, with education on-line and help for picking and care of them- and maybe encourage more small fruit trees in people's smaller yards. We're strongly in favor of rights of the property owner who pays taxes, and while we may admire and miss a mature tree, we don't think the city should tell the owner what to do for their trees. From the hearing we went to, it seemed a huge amount of resources have been spent to over-study this area at a time where staff and budget are needed on more critical issues...and how do you determine the percentage of tree canopy- from a satellite photo 1x a year? From a professional fly-over?
75. Re. Question 7): Use common sense. By all means protect our firs, cedars and other evergreens, and many deciduous trees; require removal permits for healthy trees. But allow property owners some discretion in removing junk trees (e.g., alders, magnolias) or even significant trees that are obviously distressed or pose a risk to surrounding property.
76. To strict on the Tree removal rules. Homeowners should be able to remove tree in easier fashion.



1  - Text moved from within KZC Chapter 95

2  - Text moved from KMC Title 19

3 ~~XYZ~~ XYZ – Reflects changes made to original content

4

5 **KIRKLAND ZONING CODE CHAPTER 95 – TREE MANAGEMENT AND**  
6 **REQUIRED LANDSCAPING**

7

8 **95.05 Purpose and Intent**

9 1. Trees and other vegetation are important elements of the physical environment. They are  
10 integral to Kirkland’s community character and protect public health, safety and general  
11 welfare. Protecting, enhancing, and maintaining healthy trees and vegetation are key  
12 community values. Comprehensive Plan Policy NE-3.1 describes working towards A goal is  
13 to achieve achieving a Citywide an overall tree canopy coverage of 40 percent for the  
14 community. The many benefits of healthy trees and vegetation contribute to Kirkland’s  
15 quality of life by:

16 a. Minimizing the adverse impacts of land disturbing activities and impervious surfaces  
17 such as runoff, soil erosion, land instability, sedimentation and pollution of waterways,  
18 thus, reducing the public and private costs for storm water control/treatment and utility  
19 maintenance;

20 b. Improving the air quality by absorbing air pollutants, mitigating the urban heat island  
21 effect, assimilating carbon dioxide and generating oxygen, and decreasing the impacts  
22 of climate change;

23 c. Reducing the effects of excessive noise pollution;

24 d. Providing cost-effective protection from severe weather conditions with cooling effects in  
25 the summer months and insulating effects in winter;

26 e. Providing visual relief and screening buffers;

27 f. Providing recreational benefits;

28 g. Providing habitat, cover, food supply and corridors for a diversity of fish and wildlife;  
29 and

30 h. Providing economic benefit by enhancing local property values and contributing to the  
31 region’s natural beauty, aesthetic character, and livability of the community.

- 1 2. Tree and vegetation removal in urban areas has resulted in the loss to the public of these  
2 beneficial functions. The purpose of this chapter is to establish a process and standards to  
3 provide for the protection, preservation, replacement, proper maintenance, and use of  
4 significant trees, associated vegetation, and woodlands located in the City of Kirkland.

5 The intent of this chapter is to:

- 6 a. Maintain and enhance canopy coverage provided by trees for their functions as  
7 identified in KZC 95.05(1);
- 8 b. Preserve and enhance the City of Kirkland's environmental, economic, and community  
9 character with mature landscapes;
- 10 c. Promote site planning, building, and development practices that work to avoid removal  
11 or destruction of trees and vegetation, that avoid unnecessary disturbance to the City's  
12 natural vegetation, and that provide landscaping to buffer the effects of built and paved  
13 areas;
- 14 d. Mitigate the consequences of required tree removal in land development through on-  
15 and off-site tree replacement with the goals of halting net loss and enhancing Kirkland's  
16 tree canopy to achieve an overall healthy tree canopy cover of 40 percent City-wide over  
17 time;
- 18 e. Encourage tree retention efforts by providing flexibility with respect to certain other  
19 development requirements;
- 20 f. Implement the goals and objectives of the City's Comprehensive Plan;
- 21 g. Implement the goals and objectives of the State Environmental Policy Act (SEPA); and
- 22 h. Manage trees and other vegetation in a manner consistent with the City's Natural  
23 Resource Management Plan.
- 24 i. ~~Regulate, pP~~ preserve and protect street trees, trees in public parks and trees on other  
25 city property.

## 26 **95.10 Definitions**

27 The following definitions shall apply throughout this chapter unless the context clearly indicates  
28 otherwise. Definitions that apply throughout this code are also located in Chapter 5 KZC.

29 Caliper – The American Association of Nurserymen standard for trunk measurement of nursery  
30 stock. Caliper of the trunk shall be the trunk diameter measured six inches above the ground  
31 for up to and including four-inch caliper size and 12 inches above the ground for larger sizes.

32 Critical Root Zone – The area surrounding a tree at a distance from the trunk, which is equal to  
33 one foot for every inch of ~~tree-trunk~~ diameter ~~measured at breast height~~ 4.5 feet from grade or  
34 otherwise determined by a qualified professional (example: 1' radius per 1" DBH).

1 Crown – The area of a tree containing leaf- or needle-bearing branches.

2 Diameter at Breast Height (DBH) – The diameter or thickness of a tree trunk measured at 4.5  
3 feet from the ground. DBH is also known as Diameter at Standard Height (DSH).

4 Dripline – The distance from the tree trunk, that is equal to the furthest extent of the tree's  
5 crown.

6 Grove – A group of three or more significant viable trees with overlapping or touching crowns.

7 Hazard Tree - A ~~hazard~~ tree that must meets all the following criteria:

8 1. ~~a tree with a~~ combination of structural defects and/or disease which makes it subject to  
9 a high probability of failure;

10 2. ~~and is~~ in proximity to moderate- to high frequency targets (of persons or property that  
11 can be damaged by tree failure); and

12 3. —The hazard condition of the tree cannot be lessened with reasonable and proper  
13 arboricultural practices nor can the target be removed.

14 Impact – A condition or activity that affects a part of a tree including the trunk, branches, and  
15 critical root zone.

16 ~~Landmark Tree – A tree or group of trees designated as such because of its exceptional value to~~  
17 ~~the residents of the City.~~

18 Limit of Disturbance – The boundary between the ~~area of minimum protection~~ protected area  
19 around a tree and the allowable site disturbance as determined by a qualified professional  
20 measured in feet from the trunk.

21 Nuisance Tree - A ~~nuisance~~ tree that must meets any of the following criteria:

22 1. ~~Tree is~~ causing obvious, physical damage to private or public structures, including but  
23 not limited to: sidewalk, curb, road, driveway, parking lot, building foundation, roof; or

24 2. ~~Tree has~~ been damaged by past maintenance practices, that cannot be corrected with  
25 proper arboricultural practices. ; ~~or 3.~~ —The problems associated with the tree must be  
26 such that they cannot be corrected by any other reasonable practice. Including but not  
27 limited to the following:

28 a) Pruning of the crown or roots of the tree and/or small modifications to the site  
29 including but not limited to a driveway, parking lot, patio or sidewalk to alleviate the  
30 problem.

31 b) Pruning, bracing, or cabling to reconstruct a healthy crown.

32 Public Works Official – Designee of the Public Works Director

1 Qualified Professional – An individual with relevant education and training in arboriculture or  
2 urban forestry, having two or more of the following credentials:

- 3 • International Society of Arboriculture (ISA) Certified Arborist;
- 4 • Tree Risk Assessor Certification (TRACE) as established by the Pacific Northwest Chapter  
5 of ISA (or equivalent); ~~for tree risk assessments located within critical areas.~~
- 6 • American Society of Consulting Arborists (ASCA) registered Consulting Arborist;
- 7 • Society of American Foresters (SAF) Certified Forester for Forest Management Plans;

8 ~~For tree retention associated with a development permit, a qualified professional must have, in~~  
9 ~~addition to the above credentials, a minimum of 3 years experience working directly with the~~  
10 ~~protection of trees during construction and, have experience with the likelihood of tree survival~~  
11 ~~after construction. A qualified professional must also, and be able to A qualified professional~~  
12 ~~must possess the ability to perform tree risk assessments and~~ prescribe appropriate measures  
13 ~~necessary~~ for the preservation of trees during land development.

14 Significant Tree – A tree that is at least six inches in diameter at breast height (DBH) as  
15 measured at 4.5 from the ground.

16 Significantly Wooded Site – A subject property that has a number of significant trees with  
17 crowns that cover at least 40 percent of the property.

18 Site Disturbance – Any development, construction, or related operation that could alter the  
19 subject property, including, but not limited to, soil compaction, tree or tree stump removal,  
20 road, driveway or building construction, installation of utilities, or grading.

21 Specimen Tree – A viable tree that is considered in very good to excellent health and free of  
22 major defects, as determined by the City's Urban Forester.

23 Street Tree - A tree located within the street-public right-of-way; provided, that if the trunk of  
24 the tree straddles the boundary line of the street-public right-of-way and the abutting property,  
25 it shall be considered to be on the abutting property and subject to the provisions of ~~the~~  
26 Kirkland Zoning Code this chapter.

27 ~~Target – Person or property that can be damaged by failure of a tree.~~

28 Tree Removal – The removal of a tree, through either direct or indirect actions, including but  
29 not limited to: (1) clearing, damaging or poisoning resulting in an unhealthy or dead tree; (2)  
30 removal of at least half of the live crown; or (3) damage to roots or trunk that is likely to  
31 destroy the tree's structural integrity.

32 Retention Value – The Planning Official's designation of a tree based on information provided by  
33 a qualified professional that is one of the following:

- 34 a. Type-1 High, a viable tree, located within required yards and/or required landscape  
35 areas. Tree retention efforts shall be directed to the following trees if they are  
36 determined to be healthy and windfirm by a qualified professional, and provided the

1 trees can be safely retained when pursuing alternatives to development standards in  
2 subsections (4)(a)(2) and (4)(a)(3) of this section pursuant to KZC 95.32:

3 ~~1) Landmark trees;~~

4 ~~2) Specimen trees;~~

5 ~~3) Tree groves and associated vegetation that are to be set aside as preserved groves~~  
6 ~~pursuant to KZC 95.5095.51(3);~~

7 ~~4) Trees on slopes of at least 10 percent; or~~

8 ~~5) Trees that are a part of a grove that extends into adjacent property, such as in a~~  
9 ~~public park, open space, sensitive area buffer or otherwise preserved group of trees~~  
10 ~~on adjacent private property. If significant trees must be removed in these~~  
11 ~~situations, an adequate buffer of trees may be required to be retained or planted on~~  
12 ~~the edge of the remaining grove to help stabilize.~~

13 b. ~~Type 2 Moderate~~, a viable tree that is to be retained if feasible; or

14 c. ~~Type 3 Low~~, a tree that is either (1) not viable or (2) is in an area where removal is  
15 unavoidable due to the anticipated development activity.

16 Viable Tree – A significant tree that a qualified professional has determined to be in good  
17 health, with a low risk of failure due to structural defects, is ~~relatively~~ windfirm if isolated or  
18 remains as part of a grove, and is a species that is suitable for its location.

19 Wildlife Snag – The remaining trunk of a ~~dying, diseased, or dangerous~~ tree that is intentionally  
20 reduced in height and usually stripped of ~~all its~~ live branches.

21 Windfirm – A condition of a tree in which it ~~can~~ withstands average peak local wind speeds and  
22 gusts moderate storm winds.

## 23 95.20 Exemptions

24 The following activities are exempt from the provisions of this chapter:

25 ~~21.~~ Emergency Tree Removal. Any tree on private property that poses an imminent threat to life  
26 or property may be removed without first obtaining a tree removal permit. ~~The party~~  
27 ~~removing the tree will contact t~~The City must be notified within seven days of the  
28 emergency tree removal ~~to provide~~ evidence of the threat for removing the tree for  
29 approval of to be considered exemption from this chapter. If the Planning Official  
30 determines that the emergency tree removal was not warranted, ~~he or she~~the Planning  
31 Official may require that the party obtain a permit and/or require that replacement trees  
32 and vegetation be replanted as mitigation.

33 ~~32.~~ Utility ~~Management~~Maintenance. Trees may be removed by the City or utility provider in  
34 situations involving immediate danger to life or property, or interruption of services provided  
35 by a utility.

1 | **43.** Commercial Nurseries or Tree Farms. A nursery or tree farm owner may remove trees that  
2 | are being grown to be sold as Christmas or landscape trees.

3 | ~~**19.36.030 Alteration of street trees without prior approval is prohibited.**~~

4 | **95.21 Tree Pruning**

5 | 1. ~~**Approval Tree Pruning of Street Trees.**~~ Routine maintenance of street trees ~~It is the~~  
6 | ~~responsibility of the abutting p~~Property owners ~~should maintain street trees abutting their~~  
7 | ~~property, which may include pruning, watering, and mulching. In order to prune, trim,~~  
8 | ~~modify, or alter a street tree, the abutting property owner shall apply for permission a permit~~  
9 | ~~by filing a written application with the City. Pruning shall conform to the most recent~~  
10 | ~~version of the American National Standards Institute (ANSI) A300 Part 1 – 2001 Pruning~~  
11 | ~~standards or as outlined in an approved Utility Vegetation Management Plan. An application~~  
12 | ~~to prune, trim, modify or alter a street tree shall be granted only if the proposed action will~~  
13 | ~~improve the health and appearance of the tree. The City reserves the right to have City or~~  
14 | ~~utility crews perform routine pruning and maintenance of street trees.~~

15 | ~~An application to prune, trim, modify or alter a street tree shall not be granted if the sole or~~  
16 | ~~primary purpose of the proposed action is view enhancement. except in the city's central~~  
17 | ~~business district (CBD) zones and in any other specific right-of-way that may be identified~~  
18 | ~~by the city. Except for routine maintenance, it is unlawful for any person to prune, trim,~~  
19 | ~~modify, alter or damage a street tree without the prior approval of the director of public~~  
20 | ~~works or his or her designee; provided, that the city and utility crews may perform routine~~  
21 | ~~pruning and maintenance of street trees; and provided further, that an abutting property~~  
22 | ~~owner may perform routine pruning and maintenance in accordance with any landscape~~  
23 | ~~maintenance agreement or contract with the city. (Ord. 3891 § 2, 2003; Ord. 3866 § 1~~  
24 | ~~(part), 2002)~~

25 | 2. **Tree Pruning on Private Property.** ~~Topping or~~ A permit is not required to pruning-prune trees  
26 | on private property. Pruning which results in the removal of at least half of the live crown  
27 | will be considered tree removal and subject to the provisions in KZC 95.23. ~~to the extent~~  
28 | ~~defined by tree removal in KZC 95.10, .~~

29 | ~~Tree topping is not allowed within the City of Kirkland. If a required tree required by this~~  
30 | ~~Chapter is smaller than six inches in diameter and is topped, it must be replaced pursuant to~~  
31 | ~~the standards in KZC 95.55(8)(b). If a tree six inches or larger in diameter is topped, the~~  
32 | ~~owner must have a qualified professional develop and carry outimplement a five-year~~  
33 | ~~restoration pruning scheduleprogram.~~

34 | **95.23 Tree Removal – Not Associated with Development Activity**

35 | 1. **Introduction.** Tree and vegetation removal in urban areas has resulted in the loss of  
36 | beneficial functions provided by trees to the public. The majority of tree canopy within the  
37 | City of Kirkland is on private property. The purpose of this section is to establish a process  
38 | and standards to slow the loss of tree canopy on private property, contributing towards the  
39 | City's canopy goals and a more sustainable urban forest.

1 2. Trees on City Property; Permit Required for Removal of Trees on Private Property or City  
2 Right-of-Way

3 ~~Removal or alteration of trees in public parks and other city property prohibited.~~ It is  
4 unlawful for any person (other than City crews) to remove, prune, trim, modify, alter or  
5 damage a tree in a public park or on any other city-City property; ~~provided, that the city~~  
6 ~~may perform routine pruning and maintenance, of such trees and take any actions it deems~~  
7 ~~necessary with respect to trees on city property.~~

8 No person, directly or indirectly, shall remove any significant tree on any property within the  
9 City, or any tree in the public right-of-way except City right-of-way, without first obtaining a  
10 tree removal permit as provided in this chapter, unless the activity is exempted in KZC  
11 95.20. Trees in City right-of-way are regulated pursuant to Chapter 19.36 KMC.

12 3. Tree Removal Permit Application Form

13 The Department of Planning and Community Development and Public Works Department  
14 shall establish and maintain a tree removal permit request-application form to allow  
15 property owners to request Department-City review of ~~potentially exempt~~ tree removal for  
16 compliance with applicable City regulations. ~~Tree Plan Requirements. The plan can be~~  
17 ~~developed by the applicant but may require assistance of a qualified professional.~~ The tree  
18 plan-removal application form shall include at a minimum the following:

- 19 a. A site plan showing the approximate location of significant trees, their size (DBH) and  
20 their species, along with the location of structures, driveways, access ways and  
21 easements.
- 22 b. For required replacement trees, a planting plan showing location, size and species of the  
23 new trees in accordance to standards set forth in KZC 95.33.3 subsection (5)(c) of this  
24 section.

25 4. Tree Removal Permit Application Procedure and Appeals

26 a. Applicants ~~for a Level IV or V tree plan~~ requesting to remove trees must submit a  
27 completed permit application on a form provided by the City. The City shall review the  
28 application ~~Within 21 calendar days, the Planning Official shall review the application~~  
29 and either approve, approve with conditions or modifications, deny the application or  
30 request additional information. Any decision to deny the application shall be in writing  
31 along with the reasons for the denial and the appeal process.

32  
33 b. ~~With respect to Level IV and Level V Tree Plans, a~~ An applicant may appeal an adverse  
34 determination to the Hearing Examiner. A written notice of appeal shall be filed with the  
35 Planning Department-City within 14 calendar days following the date of distribution of a  
36 Planning Official's-City's decision. The office of the Hearing Examiner shall give notice of  
37 the hearing to the applicant at least 17 calendar days prior to the hearing. The applicant  
38 shall have the burden of proving that the Planning Official-City made an incorrect  
39 decision. Based on the Hearing Examiner's findings and conclusions, ~~he or she~~ the  
40 Hearing Examiner may affirm, reverse or modify the decision being appealed.

1  
2 **5. Tree Removal Allowances**  
3

4 Tree removal not associated with development activity is allowed provided that the tree  
5 removal and retention and replacement standards outlined in subsections (5)(a) through  
6 (5)(e) below have been met. Below are additional requirements for tree removal.  
7

8 **a. Removal of Significant Viable Trees.**  
9

10 Any private property owner of developed property may remove up to two significant  
11 viable trees from their property within a 12-month period upon approval of a tree  
12 removal permit; provided, provided that there is no current-active application for  
13 development activity for the site, the trees were not required to be retained as a  
14 condition of previous development activity.  
15

16 **b. Shoreline Jurisdiction.**  
17

18 Properties located with the City's shoreline jurisdiction are subject to additional tree  
19 removal and replacement standards if the tree(s) to be removed are located within the  
20 required shoreline setback. See KZC Chapter 83 for additional standards.  
21

22 **c. Removal of Hazard or Nuisance Trees**

23 Any private property owner seeking to remove any number of significant trees which are  
24 a hazard or nuisance from developed or undeveloped property or the public right-of-way  
25 shall first obtain upon approval of a tree removal permit and meet the requirements of  
26 this subsection. there is no current application for development activity for the site  
27 significant trees which were required to be retained by a special regulation contained  
28 in Chapters 15 through 60 KZC; esignated on an approved Tree Retention Plan to be  
retained pursuant to KZC 95.30;

29 1) Tree Risk Assessment. Additional Applicant Requirements-If the nuisance or  
30 hazard condition is not obvious An an arborist report tree risk assessment  
31 prepared by a qualified professional explaining how the tree(s) meet the  
32 definition of a nuisance or hazard tree is required. fit the criteria in subsection  
33 (4)(b) or (4)(c) of this section if removal is based on nuisance or hazard and the  
34 nuisance or hazard condition is not obvious Removal of nuisance or hazard trees  
35 does not count toward the tree removal limit if the nuisance or hazard is  
36 supported by a report prepared by a qualified professional and approved by the  
37 City.

38 2) Trees in Critical Areas or Critical Areas Buffers. For hazard or nuisance trees in  
39 (1) easements dedicated to ensure the protection of vegetation; or in (2) critical  
40 areas, or (3) critical area buffers, a planting plan is required to mitigate the  
41 removal of the hazard or nuisance tree. If a tree is considered a nuisance or  
42 hazard in a critical area or its buffer, tThe priority action is to create a "snag" or  
43 wildlife tree with the subject tree. If creation of a snag is not feasible, then the

1 felled tree shall be left in place unless the Planning Official permits its removal in  
2 writing.

3 The intent of preserving vegetation in and near streams and wetlands and in  
4 geologically hazardous areas is to support the functions of healthy sensitive  
5 areas and sensitive area buffers (see Chapter 90 KZC) and/or avoid disturbance  
6 of geologically hazardous areas (see Chapter 85 KZC).

7 The removal of any tree in a critical area or Native Growth Protective Easement  
8 will require the planting of a native tree of a minimum of six feet in height in  
9 close proximity to where the removed tree was located. Selection of native  
10 species and timing of installation shall be coordinated with the Planning Official.  
11 ~~For nuisance or hazard trees in critical areas or their buffers, the planting~~  
12 ~~plan must propose action to mitigate the hazard or nuisance in accordance to~~  
13 ~~standards set forth in subsection (4) of this section. Trees in Critical Areas or~~  
14 ~~Critical Area Buffers. The property owner must submit a Level IV Tree Plan to~~  
15 ~~City Planning and Community Development Department to trim or remove any~~  
16 ~~tree from a critical area or critical area buffer.~~

17 3) Street Trees. Street trees may only be removed if determined to be a hazard or  
18 nuisance. If the removal request is for street trees, the Public Works Official  
19 may consider whether the tree(s) is-are now, or may be in the future, part of the  
20 City's plans for the right-of-way. The City shall require a one-for-one tree  
21 replacement in a suitable location. ~~4. Standards and criteria for approval to~~  
22 ~~remove street tree. An abutting property owner may apply for permission to~~  
23 ~~remove a street tree by filing a written application with the department of public~~  
24 ~~works. An application to remove a street tree shall be reviewed by the director of~~  
25 ~~public works, or his or her designee. The director shall consider the following~~  
26 ~~factors in determining whether to grant or deny the application: (1) whether the~~  
27 ~~tree is a hazard tree or nuisance tree; (2) the location of the tree in the right-of-~~  
28 ~~way; (3) the size and type of tree and whether it constitutes a "significant tree"~~  
29 ~~as defined in the Kirkland Zoning Code; (4) whether the tree is now, or may be~~  
30 ~~in the future, part of the city's plans for the right-of-way; (5) whether the~~  
31 ~~property owner is willing to mitigate the consequences of removal of the tree by~~  
32 ~~planting a new tree or trees in a more suitable location; and (6) any other factor~~  
33 ~~that the director deems relevant or appropriate. Any failure by the applicant or~~  
34 ~~his or her agents to adhere to conditions imposed on tree removal by the city~~  
35 ~~under this chapter shall constitute a violation of this chapter and is subject to~~  
36 ~~enforcement under this chapter. (Ord. 3891 § 3, 2003)~~

37 ~~b) Tree removal on undeveloped property shall be approved only for hazard or nuisance~~  
38 ~~trees pursuant to the criteria in subsections (4)(c) and (4)(d) of this section. The tree removal~~  
39 ~~exemptions in KZC 95.20 are not applicable to undeveloped property~~

40 d. Tree Retention and Replacement Requirements

41  
42 1) Tree Retention. For single-family homes, cottages, carriage units, two/three-unit  
43 homes, one significant viable tree for every 2,500 square feet of land area shall be

1 required to remain on the subject property. When this results in a fraction, the  
2 number of trees to remain shall be rounded up to the next whole number.

3  
4 2) Tree Replacement.

5  
6 a) For every significant tree that is removed and is not required to remain based on  
7 subsection (5)(a)(1) above, the City encourages the planting of a tree that is  
8 appropriate to the site.

9  
10 b) If a tree removal request is for one or both of the last two trees more of the trees  
11 required to remain, a one-for-one replacement is required. The replacement tree  
12 shall be six feet tall for a conifer and two-inch caliper for deciduous or broad-leaf  
13 evergreen tree.

14 c) For all other uses, the required tree replacement will be based on the required  
15 landscaping standards in KZC 95.40 through 95.456.

16 e. Forest Management Plan

17 1) A Forest Management Plan is must be submitted for developed, significantly wooded  
18 sites (over 40% canopy coverage) of at least 35,000 square feet in size in which tree  
19 removal is requested that and is not exempt under Section 95.20 of this Chapter. A  
20 Forest Management Plan must be developed by a qualified professional. The Tree  
21 Plan and shall include the following:

22 a) A site plan depicting the location of all significant trees (a tree-survey identifying  
23 tree locations is not required) with a numbering system of the trees (with  
24 corresponding tags on trees in the field). The site plan shall include size (DBH),  
25 species, and condition of each tree;

26 b) Identification of trees to be removed, including reasons for their removal and a  
27 description of low impact removal techniques pursuant to subsection (42)(e) of  
28 this section;

29 c) A reforestation plan that includes location, size, species, and timing of  
30 installation;

31 d) A narrative report of prescribed, long-term maintenance activity for the site as  
32 outlined in subsection (4)(e)(9) of this section.

33 2) The following Forest Management Plan. For properties proposing tree removal  
34 requiring a forest management plan, the following standards shall apply:

35 1a) Trees to remain should be dominant or co-dominant in the stand, healthy and  
36 wind-firm.

37 2b) No removal of trees from critical areas and their buffers, unless otherwise  
38 permitted by this chapter.

1 | ~~3c)~~ No removal of landmark or specimen trees, unless otherwise permitted by this  
2 | chapter.

3 | ~~4d)~~ No removal of healthy trees that would cause trees on adjacent properties to  
4 | become hazardous.

5 | ~~5e)~~ The reforestation plan ensures perpetuity of the wooded areas. The size of  
6 | planted trees for reforestation shall be a minimum of three feet tall.

7 | ~~6f)~~ Logging operations shall be conducted so as to expose the smallest practical  
8 | area of soil to erosion for the least possible time. To control erosion, native  
9 | shrubs, ground cover and stumps shall be retained where feasible. Where not  
10 | feasible, appropriate erosion control measures to be approved by the City shall  
11 | be implemented.

12 | ~~7g)~~ Removal of tree debris shall be done pursuant to Kirkland Fire Department  
13 | standards.

14 | ~~8h)~~ Recommended maintenance prescription for retained trees with a specific  
15 | timeline for such management.

16 | **95.25 ~~Alternative Compliance~~ Sustainable Site Development**

17 | All activities regulated by this chapter shall be performed in compliance with the applicable  
18 | standards contained in this chapter, unless the applicant demonstrates that alternate measures  
19 | or procedures will be equal or superior to the provisions of this chapter in accomplishing the  
20 | purpose and intent of this chapter as described in KZC 95.05. ~~Requests to use alternative~~  
21 | ~~measures and procedures shall be reviewed by the Planning Official, who may approve, approve~~  
22 | ~~with conditions, or deny the request. Examples include but are not limited to retention of~~  
23 | ~~specimen or landmark trees or low impact development techniques, including such programs as~~  
24 | ~~Green Building Design or Leadership in Energy and Environmental Design that demonstrate a~~  
25 | ~~significant reduction to stormwater runoff from the site.~~

26 | Applicants requesting alternative compliance shall submit a site assessment report prepared by  
27 | a qualified professional detailing how the proposed alternative measures will be equal or  
28 | superior to the benefits provided by the established trees to be removed. Qualifying projects  
29 | shall implement sustainable site development strategies throughout the construction process as  
30 | well as contain measurable performance standards for the techniques used. Examples of  
31 | sustainable site development include building placement with minimal site impact, habitat  
32 | protection, water conservation, heat island reduction, stormwater flow runoff control and water  
33 | quality, and utilization of the site's natural services such as solar and wind. Requests to use  
34 | alternative measures and procedures shall be reviewed by the Planning Official, who may  
35 | approve, approve with conditions, or deny the request.

36 | **95.30 Tree Retention, ~~Protection and Density~~ Associated with Development Activity**

37 | 1. Introduction.

1 The City's objective is to retain as many viable trees as possible on a developing site while  
 2 still allowing the development proposal to move forward in a timely manner. To that end,  
 3 the City requires approval of a tree retention plan ~~tree permit~~ in conjunction with all  
 4 development permits resulting in site disturbance and ~~with any proposed for any~~ tree  
 5 removal on developed sites not exempted by KZC 95.20. This section includes provisions  
 6 that allow development standards to be modified in order to retain viable significant  
 7 trees. ~~The intent of this section is to successfully retain desirable all viable trees on~~  
 8 ~~developing and re-developing sites and to maintain and enhance the tree canopy of~~  
 9 ~~Kirkland.~~

10 In order to make better decisions about tree retention, particularly during all stages of  
 11 development, tree ~~removal retention plans permits~~ will require specific information about the  
 12 existing trees before removal is allowed. ~~Different levels of detail correspond to the scale of~~  
 13 ~~the project or activity.~~ Specific tree retention plan review standards ~~are~~ provided in this  
 14 section KZC 95.35(4) and include establish tree retention priorities, ~~and~~ incentives, ~~and~~  
 15 variations to development standards in order to facilitate preservation of healthy, viable,  
 16 significant trees.

17 A minimum tree density approach is being used to retain as many significant viable trees as  
 18 possible with new development activity. The requirement to meet a minimum tree density  
 19 applies to new single-family homes, cottages, carriage units, two/three-unit homes and  
 20 duplex developments and major redevelopments, and new residential subdivisions and short  
 21 subdivisions. If such a site falls below the minimum density with existing trees,  
 22 supplemental planting is required. A tree density for existing trees to be retained is  
 23 calculated to see if new trees are required in order to meet the minimum density for the  
 24 entire site. Supplemental tree location priority is set as well as minimum size of  
 25 supplemental trees to meet the required tree density.

26 The importance of effective protection of retained trees during construction is emphasized  
 27 with specific protection standards in the last part of this section. These standards must be  
 28 adhered to and included on demolition, grading and building plans as necessary.

29 2. Tree Retention Plan Required

30 ~~a. Requirement Established.~~ An applicant for a tree removal development permit must  
 31 submit a tree retention plan that complies with this section. A qualified professional may be  
 32 required to prepare certain components of a tree retention plan at the applicant's expense.  
 33 If proposed development activities call for more than one tree retention plan  
 34 level requirement component, the more stringent tree retention plan level  
 35 requirement component with the more stringent requirements shall apply; provided, that the  
 36 Planning Official may require a combination of tree plan components based on the nature of  
 37 the proposed development activities. If the proposed activity is not clearly identified in this  
 38 chapter, the Planning Official shall determine the appropriate tree retention plan  
 39 requirements.

40 ~~b. Tree Plan and Retention Requirements.~~ The following sets chart in subsection (5) sets  
 41 forth the tree retention plan requirements different tree plans required for development  
 42 activities or and associated tree removal requests requiring a tree removal permit.

1 Applicants for development are encouraged to confer with City staff as early in the design  
2 process as possible so that the applicable tree planting and retention concepts can be  
3 incorporated into the design of the subject property. ~~Each plan sets forth the required~~  
4 ~~components and retention standards for each tree plan.~~ The Planning Official may waive a  
5 component ~~for a~~ of the tree retention plan, if he or she determines that the information is  
6 not necessary.

7 3. Tree Retention Plan Review

8 Any proposed development of the subject property requiring approval through a building  
9 permit, land surface modification permit, and/or demolition permit; or Design Review,  
10 Process I, IIA, IIB, or III, described in Chapters 142, 145, 150, 152 and 155 KZC  
11 respectively, shall include a Tree Retention Plan to be considered as part of that process.

12 Based on the Tree Retention Plan information submitted by the applicant and the Planning  
13 Official's evaluation of the trees relative to the proposed development on the subject  
14 property, the Planning Official shall designate each tree as having a high, moderate, or low  
15 Retention Value as defined in KZC 95.10 Definitions, for application towards the regulations  
16 in this Chapter.

17 4. Tree Retention Plan Components

18 Qualified Professional Reports.— Reports prepared by a qualified professional—The tree  
19 retention plan shall contain the following information as specified in the chart in subsection  
20 4(5) below, unless waived by the Planning Official:

21 a. A tree inventory containing the following:

- 22 1) Aa numbering system of all existing significant trees on the subject property (with  
23 corresponding tags on trees); the inventory must also to include significant trees on  
24 adjacent property with driplines extending over the subject property line;
- 25 2) Limits of disturbance (LOD) Measured driplines of all existing significant trees  
26 (including approximate LOD of offsite trees with overhanging driplines);
- 27 3) sSize (DBH), species and
- 28 4) Proposed Tree status (trees to be removed or retained) based on criteria in  
29 subsection (2)(c) of this section for all significant trees;
- 30 5) Brief Ggeneral health or condition rating of these trees (i.e.: poor, fair, good,  
31 excellent, etc.);
- 32 6) Tree type or species, approximate trunk location, and
- 33 7) measured dripline of significant trees that are on adjacent property with driplines  
34 extending over the subject property line.

35 b. A site plan depicting the following:

- 36 1) Location of all proposed improvements, including building footprint, access, and  
37 utilities, with applicable setbacks, buffers, and required landscaped areas clearly  
38 identified. If a short plat or subdivision is being proposed and the location of all

- 1 proposed improvements cannot be established, a phased tree retention plan review  
2 is required as described in subsection (6)(a):
- 3 2) Accurate location of significant trees on the subject property (surveyed locations  
4 may be required). The site plan must also include and the approximate trunk  
5 location and driplines-critical root zone of significant trees that are on adjacent  
6 property with driplines extending over the subject property line;
- 7 3) Trees labeled corresponding to the tree inventory numbering system:
- 8 4) Driplines measured relative to visible site features 4) Location of tree protection  
9 measures:
- 10 5) Indicate limits of disturbance drawn to scale around all trees potentially impacted  
11 by site disturbances as a result resulting from grading, demolition, or construction  
12 activities (including approximate LOD of offsite trees with overhanging driplines):
- 13 6) Proposed tree status (trees to be removed or retained) (4)(noted by an 'X' or by  
14 ghosting out:
- 15 7) Final plan showing retained trees and proposed locations of any supplemental  
16 trees- and any required trees in order to meet tree density or minimum number of  
17 trees as outlined in subsections (2)(b)(1)(d) and (2)(b)(1)(e) of this section KZC  
18 95.33.
- 19 c. An arborist report containing the following:
- 20 1) A complete description of each tree's health, condition, and viability.:
- 21 2) A description of the method(s) used to determine the limits of disturbance (i.e.:  
22 critical root zone, root plate diameter, or a case-by-case basis description for  
23 individual trees):
- 24 3) Any special instructions specifically outlining any for work within proposed within the  
25 limits of the disturbance protection area (i.e.: (hand-digging, tunneling, root  
26 pruning, any grade changes, clearing, monitoring, and aftercare) maximum grade  
27 change)::
- 28 4) If aFor trees is not viable for retention, a description of the reason(s) for removal  
29 must be soundly based on poor health, high risk of failure due to structure, defects,  
30 unavoidable isolation (windfirmness), or unsuitability of species, etc. and for which  
31 no reasonable alternative action is possible must be given (pruning, cabling, etc.)::
- 32 5) Describe the impact of necessary tree removal to the remaining trees, including  
33 those in a grove or on adjacent properties, must also be discussed.:
- 34 6) For development applications, a discussion of timing and installation of tree  
35 protection measures that must include fencing and be in accordance with the tree  
36 protection standards as outlined in subsection (6)KZC 95.34 of this section; and
- 37 7) The suggested location and species of supplemental trees to be used when required.  
38 The report shall include planting and maintenance specifications pursuant to KZC  
39 95.45-50 and 95.5051.

- 1 5. Tree Retention Plan. The applicant shall submit a Tree Retention Plan that includes the  
2 components identified in the following chart based on the proposed development activity.

3

**TREE RETENTION PLAN (new chart)**

Development Activity	Minor <sup>(1)(3)</sup> - Single-Family, or two attached, detached, or stacked dwelling units, and related demolition and land surface modification applications	Major <sup>(2)(3)</sup> Single-Family, or two attached, detached, or stacked dwelling units, and related demolition and land surface modification applications	Multi-Family, Commercial, any other use other than residential, and related demolition and land surface modification applications	Short Plat, Subdivisions, <u>cottages, carriage units, two/three-unit homes</u> , and related demolition and land surface modification applications (see KZC 95.30.6.a - Phased Review for additional standards)
Required Components				
<b>TREE INVENTORY AS DESCRIBED IN KZC 95.3530.4.A FOR:</b>				
All significant trees on the subject property		X	X	X
Significant trees potentially impacted by proposed development activity	X			
<b>SITE PLAN AS DESCRIBED IN KZC 95.30.4.B TO INCLUDE:</b>				
Surveyed tree locations if required by the Planning Official		X	X	
Surveyed tree locations				X
A final landscape plan showing retained trees			X	
<b>REQUIREMENTS IN KZC 95.3530.42.C SHALL BE PREPARED BY A QUALIFIED PROFESSIONAL AND APPLY TO:</b>				
Significant trees within required yards or within 10 feet of any side property line		X		
Significant trees potentially impacted by proposed development activity as determined by the Planning Official			X	
Proposed removal of trees with a High Retention Value in required landscaping areas			X	
All significant trees				X
<b>TREE RETENTION STANDARDS</b>				
Applicant is encouraged to retain viable trees	X <sup>(4)</sup>			

Retain and protect trees with a High Retention Value to the maximum extent possible		X <sup>(4)</sup>	X <sup>(4)</sup>	X <sup>(4)</sup>
Retain and protect trees with a Moderate Retention Value if feasible		X	X	X
Preservation and maintenance agreements pursuant to KZC 95.51. are required for all remaining trees on the subject property	X	X	X	X <sup>(5)</sup>
<b>TREE DENSITY</b>				
Tree density requirements shall apply as required in KZC 95.33		X		X
A minimum of two trees must be on the lot following the requirement set forth in KZC 95.33.4	X			
<b>LANDSCAPING</b>				
Preserved trees in required landscaping areas shall apply toward required landscaping requirements			X	

- 1 (1) Applicable when new development, redevelopment, or development in which the total
- 2 square footage of the proposed improvements is ~~more-less~~ than 50 percent of the total
- 3 square footage of the existing improvements on the subject property
- 4 (2) Applicable when new development, redevelopment, or development in which the total
- 5 square footage of the proposed improvements is more than 50 percent of the total
- 6 square footage of the existing improvements on the subject property
- 7 (3) For lots ~~from-created-through~~ a short subdivision, subdivision, or Planned Unit
- 8 Development with an approved Tree ~~Retention Plan-HH~~, ~~the tree information shall be~~
- 9 ~~transferred over and~~ the applicant must comply with the ~~applicable~~ Tree ~~Retention Plan~~
- 10 ~~approved with the short subdivision, subdivision, or Planned Unit Development-HH~~
- 11 ~~requirements unless subsection (6)(a) Phased Review below applies.~~
- 12 (4) To retain ~~trees with a High Retention Value~~ ~~Type 1 trees in required yards~~, the applicant
- 13 shall pursue, where feasible, applicable variations in the development standards of this
- 14 code as outlined in ~~subsections (4)(a)(2) and (4)(a)(3)~~ ~~KZC 95.32~~ of this ~~section~~ ~~chapter~~.
- 15 (5) Prior to short plat or subdivision recording
- 16
- 17 6. Additional Tree Retention Plan Standards for Short Plat and Subdivisions
- 18 a. Phased Review.

1 1) If during, the short plat or subdivision review process, the location of all proposed  
2 improvements, including the building footprint, utilities, and access was not able to be  
3 established, the applicant may submit a Tree Retention Plan that addresses trees only  
4 affected by the known improvements at the time of application. Tree removal shall be  
5 limited to those affected areas.

6 2) A new Tree Retention Plan shall be required at each subsequent phase of the project as  
7 more information about the location of the proposed improvements is known subject to all of  
8 the requirements in KZC 95.30.

9 b. Modifications to Tree Retention Plan for Short Plats and Subdivisions. A Tree Retention Plan  
10 modification request shall contain information as determined by the Planning Official based on  
11 the requirements in KZC 95.30.5 Tree Retention Plan. The fee for processing a modification  
12 request shall be established by City ordinance.

13 For Tree Retention Plans approved during the short plat or subdivision review process that  
14 established the location of all proposed improvements, including the building footprint, utilities,  
15 and access, a modification to the Tree Retention Plan may be approved as follows:

16 1) Modification - General. The Planning Official may approve minor modifications to the  
17 approved Tree Retention Plan in which the minimum tree density credits associated with  
18 trees identified for retention are not decreased.

19 2) Modification Prior to Tree Removal. The Planning Official may approve a modification  
20 request to decrease the minimum number of tree density credits associated with trees  
21 previously identified for retention if:

22 a) Trees inventoried in the original Tree Retention Plan have not yet been removed; and

23 b) The Planning Official shall not approve or deny a modification pursuant to this section  
24 without first providing notice of the modification request consistent with the noticing  
25 requirements for the short plat.

26 3) Modification after Tree Removal. A modification request is required to decrease the  
27 minimum number of tree density credits associated with trees previously identified for  
28 retention after which trees inventoried in the original Tree Retention Plan have already been  
29 removed. Such a request may be approved by the Hearing Examiner only if the following are  
30 met:

31 a) The need for the modification was not known and could not reasonably have been known  
32 before the tree retention plan was approved;

33 b) The modification is necessary because of special circumstances which are not the result  
34 of actions by the applicant regarding the size, shape, topography, or other physical  
35 limitations of the subject property relative to the location of proposed and/or existing  
36 improvements on or adjacent to the subject property;

37 c) There is no practicable or feasible alternative development proposal that results in fewer  
38 additional tree removals;

1 d) The Hearing Examiner shall not approve or deny a modification pursuant to this section  
2 without the Planning Official first providing notice of the modification request consistent  
3 with the noticing requirements for the short plat and providing opportunity for comments  
4 for consideration by the Hearing Examiner; and-

5 e) Said comment period shall not be less than sevenfourteen calendar days.

6 **95.32 - Incentives and Variations to Development Standards**

7 In order to retain trees, the applicant should pursue provisions in Kirkland's codes that allow  
8 development standards to be modified. Examples include but are not limited to number of  
9 parking stalls, right-of-way improvements, lot size reduction under Chapter 22.28 KMC, lot line  
10 placement when subdividing property under KMC Title 22, Planned Unit Developments, and  
11 required landscaping, including buffers for lands use and parking/driving areas.

12 Requirements of the Kirkland Zoning Code may be modified by the Planning Official as outlined  
13 below when such modifications would further the purpose and intent of this chapter as set forth  
14 in KZC 95.05 and would involve ~~Type 1~~ trees with a High Retention Value.

15 1. Common Recreational Open Space. Reductions or variations of the area, width, or  
16 composition of required common recreational open space, may be granted.

17 2. Parking Areas and Access. Variations in parking lot design and/or access driveway  
18 requirements may be granted when the Public Works and Planning Officials both determine  
19 the variations to be consistent with the intent of City policies and codes.

20 3. Required Yards. Initially, the applicant shall pursue options for placement of required yards  
21 as permitted by other sections of this code, such as selecting one front required yard in the  
22 RSX zone and adjusting side yards in any zone to meet the 15-foot total as needed for each  
23 structure on the site. The Planning Official may also reduce the front or side required yards  
24 provided that:

25 a. No required side yard shall be less than five feet; and

26 b. The required front yard shall not be reduced by more than five feet in residential zones.  
27 There shall not be an additional five feet of reduction beyond the allowance provided for  
28 covered entry porches.

29 4. Stormwater. Requirements pertaining to stormwater may be varied if approved by the Public  
30 Works Official under KMC 15.52.060.

31 5. Additional Variations. In addition to the variations described above and the minimum tree  
32 density requirements in KZC 95.33 below, the Planning Official is authorized to require site  
33 plan alterations to retain ~~Type 1~~ trees with a High Retention Value. Such alterations include  
34 minor adjustments to the location of building footprints, adjustments to the location of  
35 driveways and access ways, or adjustment to the location of walkways, easements or  
36 utilities. The Planning Official and the applicant shall work in good faith to find reasonable  
37 solutions.

**95.33 - Tree Density Requirement**

~~a. Minimum Tree Density Requirement Established.~~ The required minimum tree density is 30 tree credits per acre for single-family, duplex (includes detached units), short plats, and/or subdivisions and associated demolition and land surface modification. development requiring a Tree Plan I — Major and Tree Plan III. For individual lots in a short subdivision or subdivision with an approved Tree Retention Plan III, the tree density shall be calculated ~~based on the entire~~ for each lot within the short plat or subdivision. The tree density may consist of existing trees pursuant to the priority established in ~~subsection (4)(a)(1) of this section~~ KZC 95.30.2, or supplemental trees or a combination of existing and supplemental trees pursuant to subsection ~~(5)(e)(2)~~ of this section. Existing trees transplanted to an area on the same site shall not count toward the required density unless approved by the Urban Forester based on transplant specifications provided by a qualified professional that will ensure a good probability for survival.

1. Tree Density Calculation. For the purpose of calculating required minimum tree density, City public right-of-way, ~~and~~ areas to be dedicated as City public right-of-way, and vehicular access easements not included as lot area with the approved short plat shall be excluded from the area used for calculation of tree density.

Tree density calculation for existing individual trees:

- a. Diameter breast height (DBH) of the tree shall be measured in inches.
- b. The tree credit value that corresponds with DBH shall be found in Table 95.~~3533~~.1.

**Table 95.~~3533~~.1**

**Tree Density for Existing Significant Trees**

**(Credits per minimum diameter – DBH)**

DBH	Tree Credits	DBH	Tree Credits	DBH	Tree Credits
3 – 5"	0.5				
6 – 10"	1	24"	8	38"	15
12"	2	26"	9	40"	16
14"	3	28"	10	42"	17
16"	4	30"	11	44"	18
18"	5	32"	12	46"	19
20"	6	34"	13	48"	20
22"	7	36"	14	50"	21

Example: a 7,200-square-foot lot would need five tree credits ( $7,200/43,560 = 0.165 \times 30 = 4.9$ ) or five). The density for the lot could be met with ~~a one existing~~ 16-inch tree and one ~~existing~~ six-inch tree ~~existing~~ on-site.

- 1 2. Supplemental Trees Planted to Meet Minimum Density Requirement. For sites and activities  
2 requiring a minimum tree density and where the existing trees to be retained do not meet  
3 the minimum tree density requirement, supplemental trees shall be planted to achieve the  
4 required minimum tree density.
  
- 5 3. Tree Location. In designing a development and in meeting the required minimum tree  
6 density the trees shall be planted in the following order of priority:
  - 7 a. On-Site. The preferred locations for new trees are:
    - 8 1) In preserved groves, critical areas or their buffers.
    - 9 2) Adjacent to stormwater facilities as approved by Public Works under KMC 15.52.060.
    - 10 3) Entrance landscaping, traffic islands and other common areas in residential  
11 subdivisions.
    - 12 4) Site perimeter ~~Site Perimeter~~— The area of the subject property that is within 10  
13 feet from the property line.
    - 14 5) On individual residential building lots.
  - 15 b. Off-Site. When room is unavailable for planting the required trees on-site, then they may  
16 be planted at another approved location in the City.
  - 17 c. City Forestry Account. When the Planning Official determines on-site and off-site  
18 locations are unavailable, then the applicant shall pay an amount of money  
19 approximating the current market value of the supplemental trees into the City forestry  
20 account.
  
- 21 4. Minimum Size and Tree Density Value for Supplemental Trees. The required minimum size  
22 of the supplemental tree worth one tree credit shall be six feet tall for a conifer and two-  
23 inch caliper for deciduous or broad-leaf evergreen tree. Additional credits may be awarded  
24 for larger supplemental trees. The installation and maintenance shall be pursuant to KZC  
25 95.45-95.50 and 95.50-95.51 respectively.

#### 26 **95.34 - Tree Protection during Development Activity**

27 Prior to development activity or initiating tree removal on the site, vegetated areas and  
28 individual trees to be preserved shall be protected from potentially damaging activities pursuant  
29 to the following standards:

- 30 1. Placing Materials near Trees. No person may conduct any activity within the protected area  
31 of any tree designated to remain, including, but not limited to, operating or parking  
32 equipment, placing solvents, storing building material or soil deposits, or dumping concrete  
33 washout or other chemicals. During construction, no person shall attach any object to any  
34 tree designated for protection.

- 1 2. Protective Barrier. Before development, land clearing, filling or any land alteration, the  
2 applicant shall:
- 3 a. Erect and maintain ~~a~~-readily visible temporary protective tree fencing along the limits of  
4 disturbance which completely surrounds the protected area of all retained trees or  
5 groups of trees. Fences shall be constructed of chain link and be at least ~~four~~six feet  
6 high, unless other type of fencing is authorized by the Planning Official.
- 7 b. Install highly visible signs spaced no further than 15 feet along the entirety of the  
8 protective tree fence. Said sign must be approved by the Planning Official and shall state  
9 at a minimum "Tree Protection Area, Entrance Prohibited" and provide the City phone  
10 number for code enforcement to report violations.
- 11 c. Prohibit excavation or compaction of earth or other potentially damaging activities within  
12 the barriers; provided, that the Planning Official may allow such activities approved by a  
13 qualified professional and under the supervision of a qualified professional retained and  
14 paid for by the applicant.
- 15 d. Maintain the protective barriers in place for the duration of the project until the Planning  
16 Official authorizes their removal.
- 17 e. Ensure that any approved landscaping done in the protected zone subsequent to the  
18 removal of the barriers shall be accomplished with light machinery or hand labor.
- 19 f. In addition to the above, the Planning Official may require the following:
- 20 1) If equipment is authorized to operate within the critical root zone, cover the areas  
21 adjoining the critical root zone of a tree with mulch to a depth of at least six inches  
22 or with plywood or similar material in order to protect roots from damage caused by  
23 heavy equipment.
- 24 2) Minimize root damage by excavating a two-foot-deep trench, at edge of critical root  
25 zone, to cleanly sever the roots of trees to be retained.
- 26 3) Corrective pruning performed on protected trees in order to avoid damage from  
27 machinery or building activity.
- 28 4) Maintenance of trees throughout construction period by watering and fertilizing.
- 29 3. Grade.
- 30 a. The grade shall not be elevated or reduced within the critical root zone of trees to be  
31 preserved without the Planning Official's authorization based on recommendations from  
32 a qualified professional. The Planning Official may allow coverage of up to one half of  
33 the area of the tree's critical root zone with light soils (no clay) to the minimum depth  
34 necessary to carry out grading or landscaping plans, if it will not imperil the survival of  
35 the tree. Aeration devices may be required to ensure the tree's survival.

- 1 b. If the grade adjacent to a preserved tree is raised such that it could slough or erode into  
2 the tree's critical root zone, it shall be permanently stabilized to prevent suffocation of  
3 the roots.
- 4 c. The applicant shall not install an impervious surface within the critical root zone of any  
5 tree to be retained without the authorization of the Planning Official. The Planning  
6 Official may require specific construction methods and/or use of aeration devices to  
7 ensure the tree's survival and to minimize the potential for root-induced damage to the  
8 impervious surface.
- 9 d. To the greatest extent practical, utility trenches shall be located outside of the critical  
10 root zone of trees to be retained. The Planning Official may require that utilities be  
11 tunneled under the roots of trees to be retained if the Planning Official determines that  
12 trenching would significantly reduce the chances of the tree's survival.
- 13 e. Trees and other vegetation to be retained shall be protected from erosion and  
14 sedimentation. Clearing operations shall be conducted so as to expose the smallest  
15 practical area of soil to erosion for the least possible time. To control erosion, it is  
16 encouraged that shrubs, ground cover and stumps be maintained on the individual lots,  
17 where feasible.
- 18 4. Directional Felling. Directional felling of trees shall be used to avoid damage to trees  
19 designated for retention.
- 20 5. Additional Requirements. The Planning Official may require additional tree protection  
21 measures that are consistent with accepted urban forestry industry practices.

## 22 **95.40 Required Landscaping**

- 23 1. User Guide. Chapters [15](#) through 60 KZC containing the use zone charts assign a  
24 landscaping category to each use in each zone. This category is either "A," "B," "C," "D," or  
25 "E." If you do not know which landscaping category applies to the subject property, you  
26 should consult the appropriate use zone chart.

27 Requirements pertaining to each landscaping category are located throughout this chapter,  
28 except that Landscaping Category E is not subject to this section.

29 Landscape Categories A, B, C, D, and E may be subject to additional related requirements in  
30 the following other chapters:

- 31 a. Various use zone charts, in Chapters [15](#) through 60 KZC, establish additional or special  
32 buffering requirements for some uses in some zones.
- 33 b. Chapter [85](#) KZC, Geologically Hazardous Areas, addresses the retention of vegetation on  
34 steep slopes.
- 35 c. Chapter [90](#) KZC, Drainage Basins, addresses vegetation within sensitive areas and  
36 sensitive area buffers.

- 1 d. Chapter [110](#) KZC and Chapter 19.36 KMC address vegetation within rights-of-way,  
2 except for the I-405, SR-520, and Burlington Northern rights-of-way.
- 3 e. KZC [115.135](#), Sight Distance at Intersections, which may limit the placement of  
4 landscaping in some areas.
- 5 f. Chapter 22 KMC addresses trees in subdivisions.

6 2. Use of Significant Existing Vegetation.

- 7 a. General. The applicant shall apply subsection KZC ~~95.35(4)~~[95.30.2-Tree Retention Plan](#)  
8 [Review Procedure and KZC 95.32-Incentives and Variations to Development Standards](#)  
9 to retain existing trees and vegetation in areas subject to the landscaping standards of  
10 this section. The Planning Official shall give substantial weight to the retained trees and  
11 vegetation when determining the applicant's compliance with this section.
- 12 b. Supplement. The City may require the applicant to plant trees, shrubs, and groundcover  
13 according to the requirements of this section to supplement the existing vegetation in  
14 order to provide a buffer at least as effective as the required buffer.
- 15 c. Protection Techniques. The applicant shall use the protection techniques described in  
16 KZC ~~95.35(6)~~[95.34](#) to ensure the protection of significant existing vegetation.

- 17 3. Landscape Plan Required. In addition to the ~~tree-plan~~[Tree Retention Plan](#) required pursuant  
18 to KZC ~~95.35(2)~~[95.30](#), application materials shall clearly depict the quantity, location,  
19 species, and size of plant materials proposed to comply with the requirements of this  
20 section, and shall address the plant installation and maintenance requirements set forth in  
21 KZC ~~95.45-95.50~~ and ~~95.50~~[95.51](#). Plant materials shall be identified with both their scientific  
22 and common names. Any required irrigation system must also be shown.

23 **~~95.415-~~ Supplemental Plantings.**

- 24 1. General. The applicant shall provide the supplemental landscaping specified in  
25 subsection ~~(5)(b)~~[\(2\)](#) of this section in any area of the subject property that:

- 26 a. Is not covered with a building, vehicle circulation area or other improvement; and
- 27 b. Is not a critical area, critical area buffer, or in an area to be planted with required  
28 landscaping; and
- 29 c. Is not committed to and being used for some specific purpose.

- 30 2. Standards. The applicant shall provide the following at a minimum:

- 31 a. Living plant material which will cover 80 percent of the area to be landscaped within  
32 two years. If the material to be used does not spread over time, the applicant shall  
33 re-plant the entire area involved immediately. Any area that will not be covered with  
34 living plant material must be covered with nonliving groundcover.

- b. One tree for each 1,000 square feet of area to be landscaped. At the time of planting, deciduous trees must be at least two inches in caliper and coniferous trees must be at least five feet in height.
- c. If a development requires approval through Process I, IIA, IIB or III as described in Chapters 145, 150, 152 and 155 KZC, respectively, the City may require additional vegetation to be planted along a building facade if:
- 1) The building facade is more than 25 feet high or more than 50 feet long; or
  - 2) Additional landscaping is necessary to provide a visual break in the facade.
- d. In RHBD varieties of rose shrubs or ground cover along with other plant materials shall be included in the on-site landscaping.
- e. If development is subject to Design Review as described in Chapter 142, the City will review plant choice and specific plant location as part of the Design Review approval. The City may also require or permit modification to the required plant size as part of Design Review approval.

**4.95.42 Minimum Land Use Buffer Requirements.**

The applicant shall comply with the provisions specified in the following chart and with all other applicable provisions of this chapter. Land use buffer requirements may apply to the subject property, depending on what permitted use exists on the adjoining property or, if no permitted use exists, depending on the zone that the adjoining property is in.

LANDSCAPING CATEGORY ↓	ADJOINING PROPERTY	*Public park or low density residential use or if no permitted use exists on the adjoining property then a low density zone.	Medium or high density residential use or if no permitted use exists on the adjoining property then a medium density or high density zone.	Institutional or office use or if no permitted use exists on the adjoining property then an institutional or office zone.	A commercial use or an industrial use or if no permitted use exists on the adjoining property then a commercial or industrial zone.
	↓				
A		Must comply with KZC <u>95.40(6)(a) subsection (1)</u> (Buffering Standard 1)	Must comply with KZC <u>subsection (1) 95.40(6)(a)</u> (Buffering Standard 1)	Must comply with <u>subsection (2) KZC 95.40(6)(b)</u> (Buffering Standard 2)	
B		Must comply with KZC	Must comply with KZC		

	<a href="#">subsection (1) 95.40(6)(a)</a> (Buffering Standard 1)	<a href="#">subsection (1) 95.40(6)(a)</a> (Buffering Standard 1)		
C	Must comply with KZC <a href="#">subsection (1) 95.40(6)(a)</a> (Buffering Standard 1)	Must comply with KZC <a href="#">95.40(6)(b) subsection (2)</a> (Buffering Standard 2)		
D	Must comply with KZC <a href="#">subsection (2) 95.40(6)(b)</a> (Buffering Standard 2)			
E				
<b>Footnotes:</b>	* If the adjoining property is zoned Central Business District, Juanita Business District, North Rose Hill Business District, Rose Hill Business District, Totem Center or is located in TL 5, <a href="#">this section</a> , KZC <a href="#">95.40(6)</a> <a href="#">95.42</a> does not apply.			

- 1 ~~1. Land Use Buffering Standards. The [This](#) chart in [subsection \(4\)](#) of [this section](#) establishes~~  
2 which buffering standard applies in a particular case. The following subsections establish the  
3 specific requirement for each standard:
- 4 1. For standard 1, the applicant shall provide a 15-foot-wide landscaped strip with a six-foot-  
5 high solid screening fence or wall. Except for public utilities, the fence or wall must be  
6 placed on the outside edge of the land use buffer or on the property line when adjacent to  
7 private property. For public utilities, the fence or wall may be placed either on the outside or  
8 inside edge of the landscaping strip. A fence or wall is not required when the land use  
9 buffer is adjacent and parallel to a public right-of-way that is improved for vehicular use.  
10 See KZC [115.40](#) for additional fence standards. The land use buffer must be planted as  
11 follows:
- 12 a. Trees planted at the rate of one tree per 20 linear feet of land use buffer, with  
13 deciduous trees of two and one-half inch caliper, minimum, and/or coniferous trees  
14 eight feet in height, minimum. At least 70 percent of trees shall be evergreen. The trees  
15 shall be distributed evenly throughout the buffer, spaced no more than 20 feet apart on  
16 center.
- 17 b. Large shrubs or a mix of shrubs planted to attain coverage of at least 60 percent of the  
18 land use buffer area within two years, planted at the following sizes and spacing,  
19 depending on type:

- 1) Low shrub – (mature size under three feet tall), one- or two-gallon pot or balled and burlapped equivalent);
  - 2) Medium shrub – (mature size from three to six feet tall), two- or three-gallon pot or balled and burlapped equivalent);
  - 3) Large shrub – (mature size over six feet tall), five-gallon pot or balled and burlapped equivalent).
- c. Living ground covers planted from either four-inch pot with 12-inch spacing or one-gallon pot with 18-inch spacing to cover within two years 60 percent of the land use buffer not needed for viability of the shrubs or trees.
2. For standard 2, the applicant shall provide a five-foot-wide landscaped strip with a six-foot-high solid screening fence or wall. Except for public utilities, the fence or wall must be placed on the outside edge of the land use buffer or on the property line when adjacent to private property. For public utilities, the fence or wall may be placed either on the outside or inside edge of the landscaping strip. A fence or wall is not required when the land use buffer is adjacent and parallel to a public right-of-way that is improved for vehicular use. See KZC [115.40](#) for additional fence standards. The landscaped strip must be planted as follows:
    - a. One row of trees planted no more than 10 feet apart on center along the entire length of the buffer, with deciduous trees of two inch caliper, minimum, and/or coniferous trees at least six feet in height, minimum. At least 50 percent of the required trees shall be evergreen.
    - b. Living ground covers planted from either four-inch pot with 12-inch spacing or one-gallon pot with 18-inch spacing to cover within two years 60 percent of the land use buffer not needed for viability of the trees.
  3. Plant Standards. All plant materials used shall meet the most recent American Association of Nurserymen Standards for nursery stock: ANSI Z60.1.
  4. Location of the Land Use Buffer. The applicant shall provide the required buffer along the entire common border between the subject property and the adjoining property.
  5. Multiple Buffering Requirement. If the subject property borders more than one adjoining property along the same property line, the applicant shall provide a gradual transition between different land use buffers. This transition must occur totally within the area which has the less stringent buffering requirement. The specific design of the transition must be approved by the City.
  6. Adjoining Property Containing Several Uses. If the adjoining property contains several permitted uses, the applicant may provide the least stringent land use buffer required for any of these uses.

- 1 7. Subject Property Containing Several Uses. If the subject property contains more than one  
2 use, the applicant shall comply with the land use buffering requirement that pertains to the  
3 use within the most stringent landscaping category that abuts the property to be buffered.
- 4 8. Subject Property Containing School. If the subject property is occupied by a school, land use  
5 buffers are not required along property lines adjacent to a street.
- 6 9. Encroachment into Land Use Buffer. Typical incidental extensions of structures such as  
7 chimneys, bay windows, greenhouse windows, cornices, eaves, awnings, and canopies may  
8 be permitted in land use buffers as set forth in KZC [115.115\(3\)\(d\)](#); provided, that:
  - 9 a. Buffer planting standards are met; and
  - 10 b. Required plantings will be able to attain full size and form typical to their species.

11 **95.43k. Outdoor use, activity, and storage**

12 Outdoor use, activity, and storage (KZC [115.105\(2\)](#)) must comply with required land use buffers  
13 for the primary use, except that the following outdoor uses and activities, when located in  
14 commercial or industrial zones, are exempt from KZC [115.105\(2\)\(c\)\(1\)](#) and [\(2\)\(c\)\(2\)](#) as stated  
15 below:

- 16 1. That portion of an outdoor use, activity, or storage area which abuts another outdoor use,  
17 activity, or storage area which is located on property zoned for commercial or industrial use.
- 18 2. Outdoor use, activity, and storage areas which are located adjacent to a fence or structure  
19 which is a minimum of six feet above finished grade; and do not extend outward from the  
20 fence or structure more than five feet; provided, that the total horizontal dimensions of  
21 these areas shall not exceed 50 percent of the length of the facade or fence (see Plate 11).
- 22 3. If there is an improved path or sidewalk in front of the outdoor storage area, the outdoor  
23 use, activity or storage area may extend beyond five feet if a clearly defined walking path at  
24 least three feet in width is maintained and there is adequate pedestrian access to and from  
25 the primary use. The total horizontal dimension of these areas shall not exceed 50 percent  
26 of the length of the facade of the structure or fence (see Plate 11).
- 27 4. Outdoor dining areas.
- 28 5. That portion of an outdoor display of vehicles for sale or lease which is adjacent to a public  
29 right-of-way that is improved for vehicular use; provided, that it meets the buffering  
30 standards for driving and parking areas in ~~subsections (7)(b)(1)(a) and (7)(b)(1)(b) of this~~  
31 ~~section~~[KZC 95.45.1](#); and provided further, that the exemptions of ~~subsection (7)(b)(2) of~~  
32 ~~this section~~[KZC 95.45.2](#) do not apply unless it is fully enclosed within or under a building, or  
33 is on top of a building and is at least one story above finished grade.
- 34 6. Outdoor Christmas tree lots and fireworks stands if these uses will not exceed 30 days, and  
35 outdoor amusement rides, carnivals and circuses, and parking lot sales which are ancillary  
36 to the indoor sale of the same goods and services, if these uses will not exceed seven days.

1 ~~7. Landscaping and Buffering Standards for Driving and Parking Areas.~~ **95.44 Internal**  
2 **Parking Lot Landscaping Requirements**

3 ~~a. Landscaping – General.1)~~ The following internal parking lot landscape standards apply to  
4 each parking lot or portion thereof containing more than eight parking stalls.

5 1. The parking lot must contain 25 square feet of landscaped area per parking stall planted  
6 ~~pursuant to subsections (7)(a)(1)(b) and (c) of this section~~ as follows:

7 ~~2a.~~ The applicant shall arrange the required landscaping ~~required in subsection (7)(a)(1)(a)~~  
8 ~~of this section~~ throughout the parking lot to provide landscape islands or peninsulas to  
9 separate groups of parking spaces (generally every eight stalls) from one another and  
10 each row of spaces from any adjacent driveway that runs perpendicular to the row. This  
11 island or peninsula must be surrounded by a six-inch-high vertical curb, be of similar  
12 dimensions as the adjacent parking stalls, ~~and planted pursuant to the standards in~~  
13 ~~subsection (7)(a)(1)(c) of this section:~~

14 ~~3b.~~ Landscaping shall be installed pursuant to the following standards:

15 ~~a.1)~~ At least one deciduous tree, two inches in caliper or a coniferous tree five feet in  
16 height.

17 ~~b.2)~~ Groundcover shall be selected and planted to achieve 60 percent coverage within  
18 two years.

19 ~~4c.~~ Exception. The requirements of this subsection do not apply to any area that is fully  
20 enclosed within or under a building.

21 ~~52.~~ Rooftop Parking Landscaping. For a driving or parking area on the top level of a structure  
22 that is not within the CBD zone or within any zone that requires design regulation  
23 compliance, one planter that is 30 inches deep and five feet square must be provided for  
24 every eight stalls on the top level of the structure. Each planter must contain a small tree or  
25 large shrub suited to the size of the container and the specific site conditions, including  
26 desiccating winds, and is clustered with other planters near driving ramps or stairways to  
27 maximize visual effect.

28 ~~63.~~ If development is subject to Design Review as described in Chapter 142 KZC, the City will  
29 review the parking area design, plant choice and specific plant location as part of the Design  
30 Review approval. The City may also require or permit modification to the required  
31 landscaping and design of the parking area as part of Design Review approval.

32 ~~95.45.b-~~ **Perimeter Landscape Buffering for Driving and Parking Areas.**

33 1. Perimeter Buffering – General. Except as specified in subsection ~~(7)(b)~~(2) of this section,  
34 the applicant shall buffer all parking areas and driveways from abutting rights-of-way and  
35 from adjacent property with a five-foot-wide strip along the perimeter of the parking areas  
36 and driveways planted as follows (see Figure 95.40.A):

- 1 a. One row of trees, two inches in caliper and planted 30 feet on center along the entire  
2 length of the strip.
- 3 b. Living groundcover planted to attain coverage of at least 60 percent of the strip area  
4 within two years.
- 5 2. Exception. The requirements of ~~subsection (7)(b)(1) of~~ this section do not apply to any  
6 parking area that:
- 7 a. Is fully enclosed within or under a building; or
- 8 b. Is on top of a building and is at least one story above finished grade; or
- 9 c. Serves detached dwelling units exclusively; or
- 10 d. Is within any zone that requires design regulation compliance. See below for Design  
11 District requirements.
- 12 3. Design Districts. If subject to design review, each side of a parking lot that abuts a street,  
13 through-block pathway or public park must be screened from that street, through-block  
14 pathway or public park by using one or a combination of the following methods (see Figures  
15 95.40.A, B, and C):
- 16 a. By providing a landscape strip at least five feet wide planted consistent with ~~subsection~~  
17 ~~(7)(b)(1) of this section~~ [KZC 95.45.1](#), or in combination with the following. In the RHBD  
18 Regional Center a 10-foot perimeter landscape strip along NE 85th Street is required  
19 planted consistent with subsection ~~(7)(b)(1)~~ of this section.
- 20 b. The hedge or wall must extend at least two feet, six inches, and not more than three  
21 feet above the ground directly below it.
- 22 c. The wall may be constructed of masonry or concrete, if consistent with the provisions of  
23 [KZC 92.35\(1\)\(g\)](#), in building material, color and detail, or of wood if the design and  
24 materials match the building on the subject property.
- 25 d. In JBD zones:
- 26 1) If the street is a pedestrian-oriented street, the wall may also include a continuous  
27 trellis or grillwork, at least five feet in height above the ground, placed on top of or  
28 in front of the wall and planted with climbing vines. The trellis or grillwork may be  
29 constructed of masonry, steel, cast iron and/or wood.
- 30 2) If the wall abuts a pedestrian-oriented street, the requirements of this subsection  
31 may be fulfilled by providing pedestrian weather protection along at least 80 percent  
32 of the frontage of the subject property.
- 33 e. If development is subject to Design Review as described in Chapter [142](#) KZC, the City  
34 will review plant choice and specific plant location as part of the Design Review





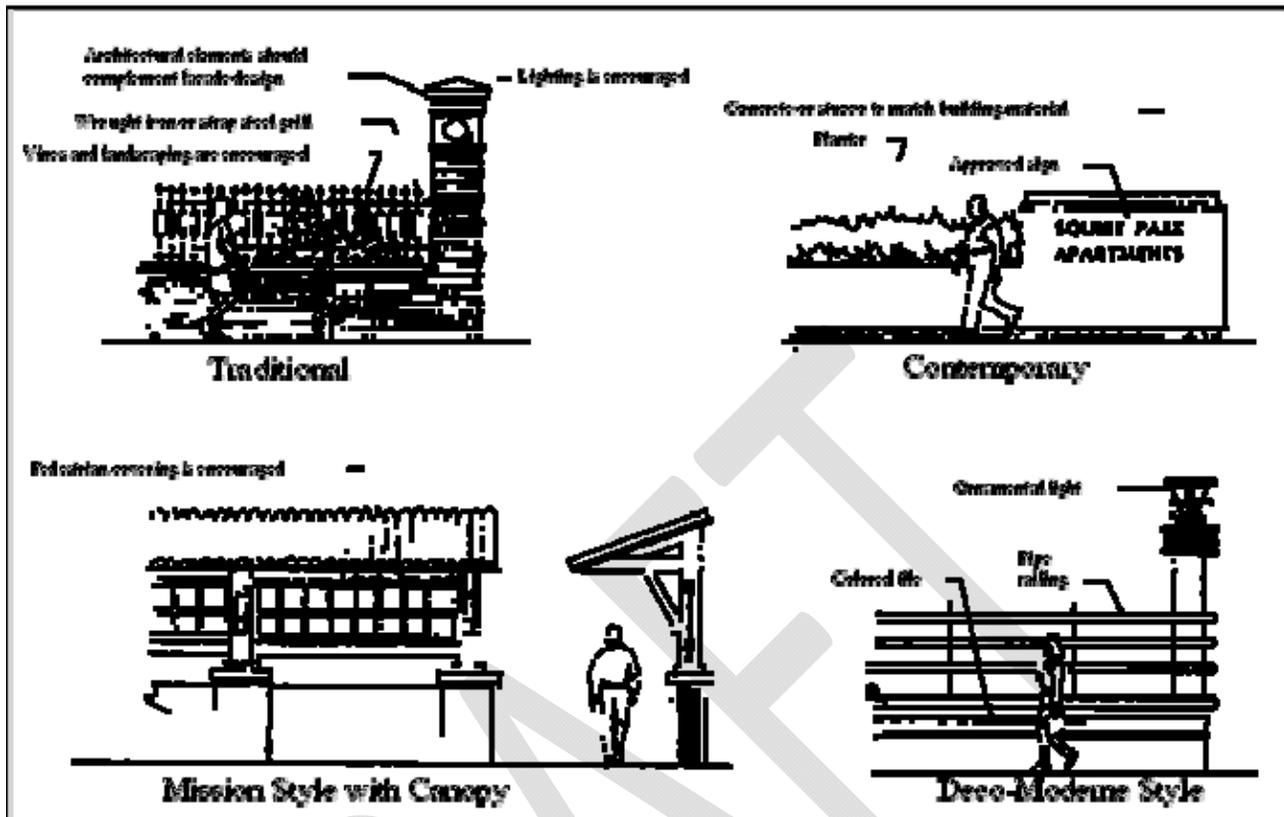


FIGURE 95.40.C

**95.46e. ~~Modifications to Landscaping and Buffering Standards for Driving and Parking Areas.~~**

**~~j-1. Modification to Land Use Buffer Requirements.~~** The applicant may request a modification of the requirements of the buffering standards ~~of subsection (6) of this section in KZC 95.42.~~ The Planning Official may approve a modification if:

- a. The owner of the adjoining property agrees to this in writing; and
- b. The existing topography or other characteristics of the subject property or the adjoining property, or the distance of development from the neighboring property decreases or eliminates the need for buffering; or
- c. The modification will be more beneficial to the adjoining property than the required buffer by causing less impairment of view or sunlight; or
- d. The Planning Official determines that it is reasonable to anticipate that the adjoining property will be redeveloped in the foreseeable future to a use that would require no, or a less intensive, buffer; or

- 1 | e. The location of pre-existing improvements on the adjoining site eliminates the need or  
2 | benefit of the required landscape buffer.

3 |  
4 | 2.1) Authority to Grant and Duration Modifications to General Landscaping Requirements

5 | a. Authority to Grant and Duration. If the proposed development of the subject property  
6 | requires approval through Design Review or Process I, IIA, IIB, or III, described in  
7 | Chapters 142, 145, 150, 152, and 155 KZC, respectively, a request for a modification will  
8 | be considered as part of that process under the provisions of this section. The City must  
9 | find that the applicant meets the applicable criteria listed in subsections (2)(b) and  
10 | (2)(c) ~~(7)(e)(2)~~ of this section. If granted under Design Review or Process I, IIA, IIB, or  
11 | III, the modification is binding on the City for all development permits issued for that  
12 | development under the building code within five years of the granting of the  
13 | modification.

14 | If subsection (7)(1)(a) of this section the above does not apply, the Planning Official may  
15 | grant a modification in writing under the provisions of this section.

16 | b. Internal parking lot landscaping Modifications. For a modification to the internal parking  
17 | lot landscaping requirements in KZC 95.44 of subsection (7)(a) of this section, the  
18 | landscape requirements may be modified if:

19 | 1) The modification will produce a landscaping design in the parking area comparable  
20 | or superior to that which would result from adherence to the adopted standard; or

21 | 2) The modification will result in increased retention of significant existing vegetation;  
22 | or

23 | 3) The purpose of the modification is to accommodate low impact development  
24 | techniques as approved by the Planning Official.

25 | c. Perimeter parking lot and driveway landscaping. For a modification to subsection (7)(b)  
26 | of this section the perimeter landscaping for parking lots and driveways, the buffering  
27 | requirements for parking areas and driveways may be modified if:

28 | 1) The existing topography of or adjacent to the subject property decreases or  
29 | eliminates the need for visual screening; or

30 | 2) The modification will be of more benefit to the adjoining property by causing less  
31 | impairment of view or sunlight; or

32 | 3) The modification will provide a visual screen that is comparable or superior to the  
33 | buffer required by subsection (7)(b) of this section KZC 95.45; or

34 | 4) The modification eliminates the portion of the buffer that would divide a shared  
35 | parking area serving two or more adjacent uses, but provides the buffer around the  
36 | perimeter of the shared parking area.

1 **95.478 Nonconforming Landscaping and Buffers.**

2 1. The landscaping requirements of ~~subsections (5) and (7)~~KZC 95.41 Supplemental Plantings,  
3 KZC 95.43 Outdoor Use and Storage, KZC 95.44 Internal Parking Lot Landscaping, and KZC  
4 95.45 Perimeter Landscape Buffering for Driving and Parking Areas of this section must be  
5 brought into conformance as much as is feasible, based on available land area, in either of  
6 the following situations:

- 7 a. An increase of at least 10 percent in gross floor area of any structure; or  
8 b. An alteration to any structure, the cost of which exceeds 50 percent of the replacement  
9 cost of the structure.

10 2. Land use buffers must be brought into conformance with ~~subsection (6) of this section~~KZC  
11 95.42 in either of the following situations:

- 12 a. An increase in gross floor area of any structure (the requirement to provide conforming  
13 buffers applies only where new gross floor area impacts adjoining property); or  
14 b. A change in use on the subject property and the new use requires larger buffers than  
15 the former use.

16 **95.45-50 Installation Standards for Required Plantings**

17 All required trees and landscaping shall be installed according to sound horticultural practices in  
18 a manner designed to encourage quick establishment and healthy plant growth. All required  
19 landscaping shall be installed in the ground and not in above-ground containers, except for  
20 landscaping required on the top floor of a structure.

21 When an applicant proposes to locate a subterranean structure under required landscaping that  
22 appears to be at grade, the applicant will: (1) provide site-specific documentation prepared by a  
23 qualified expert to establish that the design will adequately support the long-term viability of  
24 the required landscaping; and (2) enter into an agreement with the City, in a form acceptable  
25 to the City Attorney, indemnifying the City from any damage resulting from development  
26 activity on the subject property which is related to the physical condition of the property. The  
27 applicant shall record this agreement with the King County Department of Elections and  
28 Records.

29 ~~1. Street Trees. Street trees are not subject to the regulations of this chapter and are not~~  
30 ~~counted toward any landscaping required by this chapter. Street trees are regulated by~~  
31 ~~Chapter 110 KZC and Chapter 19.36 KMC.~~

32 21. Compliance. It is the applicant's responsibility to show that the proposed landscaping  
33 complies with the regulations of this chapter.

34 32. Timing. All landscaping shall be installed prior to the issuance of a certificate of occupancy,  
35 except that the installation of any required tree or landscaping may be deferred during the  
36 summer months to the next planting season, but never for more than six months. Deferred

1 installation shall be secured with a performance bond pursuant to Chapter [175](#) KZC prior to  
2 the issuance of a certificate of occupancy.

3 [43](#). Grading. Berms shall not exceed a slope of two horizontal feet to one vertical foot (2:1).

4 [5-4](#) Soil Specifications. Soils in planting areas shall have adequate porosity to allow root growth.  
5 Soils which have been compacted to a density greater than one and three-tenths grams per  
6 cubic centimeters shall be loosened to increase aeration to a minimum depth of 24 inches or  
7 to the depth of the largest plant root ball, whichever is greater. Imported topsoils shall be  
8 tilled into existing soils to prevent a distinct soil interface from forming. After soil  
9 preparation is completed, motorized vehicles shall be kept off to prevent excessive  
10 compaction and underground pipe damage. The organic content of soils in any landscape  
11 area shall be as necessary to provide adequate nutrient and moisture-retention levels for  
12 the establishment of plantings. See subsection ([89](#)) of this section for mulch requirements.

13 [65](#). Plant Selection.

14 a. Plant selection shall be consistent with the Kirkland Plant List, which is produced by the  
15 City's Natural Resource Management Team and available in the Department of Planning  
16 and Community Development.

17 b. Plants shall be selected and sited to produce a hardy and drought-resistant landscape  
18 area. Selection shall consider soil type and depth, the amount of maintenance required,  
19 spacing, exposure to sun and wind, the slope and contours of the site, and compatibility  
20 with existing native vegetation preserved on the site. Preservation of existing vegetation  
21 is strongly encouraged.

22 c. Prohibited Materials. Plants listed as prohibited in the Kirkland Plant List are prohibited in  
23 required landscape areas. Additionally, there are other plants that may not be used if  
24 identified in the Kirkland Plant List as potentially damaging to sidewalks, roads,  
25 underground utilities, drainage improvements, foundations, or when not provided with  
26 enough growing space.

27 d. All plants shall conform to American Association of Nurserymen (AAN) grades and  
28 standards as published in the "American Standard for Nursery Stock" manual.

29 e. Plants shall meet the minimum size standards established in other sections of the KZC.

30 f. Multiple-stemmed trees may be permitted as an option to single-stemmed trees for  
31 required landscaping provided that such multiple-stemmed trees are at least 10 feet in  
32 height and that they are approved by the Planning Official prior to installation.

33 [76](#). Fertilization. All fertilizer applications to turf or trees and shrubs shall follow Washington  
34 State University, National Arborist Association or other accepted agronomic or horticultural  
35 standards.

36 [87](#). Irrigation. The intent of this standard is to ensure that plants will survive the critical  
37 establishment period when they are most vulnerable due to lack of watering. All required  
38 plantings must provide an irrigation system, using either Option 1, 2, or 3 or a combination

1 of those options. For each option irrigation shall be designed to conserve water by using the  
2 best practical management techniques available. These techniques may include, but not be  
3 limited to: drip irrigation to minimize evaporation loss, moisture sensors to prevent irrigation  
4 during rainy periods, automatic controllers to insure proper duration of watering, sprinkler  
5 head selection and spacing designed to minimize overspray, and separate zones for turf and  
6 shrubs and for full sun exposure and shady areas to meet watering needs of different  
7 sections of the landscape.

8 Exceptions, as approved by the Planning Official, to the irrigation requirement may be  
9 approved xeriscape (i.e., low water usage plantings), plantings approved for low impact  
10 development techniques, established indigenous plant material, or landscapes where natural  
11 appearance is acceptable or desirable to the City. However, those exceptions will require  
12 temporary irrigation (Option 2 and/or 3) until established.

13 a. Option 1. A permanent built-in irrigation system with an automatic controller designed  
14 and certified by a licensed landscape architect as part of the landscape plan.

15 b. Option 2. An irrigation system designed and certified by a licensed landscape architect  
16 as part of the landscape plan, which provides sufficient water to ensure that the plants  
17 will become established. The system does not have to be permanent if the plants  
18 chosen can survive adequately on their own, once established.

19 c. Option 3. Irrigation by hand. If the applicant chooses this option, an inspection will be  
20 required one year after final inspection to ensure that the landscaping has become  
21 established.

22 98. Drainage. All landscapes shall have adequate drainage, either through natural percolation or  
23 through an installed drainage system. A percolation rate of one-half inch of water per hour  
24 is acceptable.

25 ~~109~~. Mulch.

26 a. Required plantings, except turf or areas of established ground cover, shall be covered  
27 with two inches or more of organic mulch to minimize evaporation and runoff. Mulch  
28 shall consist of materials such as yard waste, sawdust, and/or manure that are fully  
29 composted.

30 b. All mulches used in planter beds shall be kept at least six inches away from the trunks of  
31 shrubs and trees.

32 ~~110~~. Protection. All required landscaped areas, particularly trees and shrubs, must be  
33 protected from potential damage by adjacent uses and development, including parking and  
34 storage areas. Protective devices such as bollards, wheel stops, trunk guards, root guards,  
35 etc., may be required in some situations.

36 ~~121~~. Mitigation and Restoration Plantings in Critical Areas and Critical Area Buffers. Plants  
37 intended to mitigate for the loss of natural resource values are subject to the following  
38 requirements in addition to the other landscaping requirements ~~of found in~~ KZC-95.4595.40  
39 through KZC 95.45. Where these requirements conflict with other requirements of this

chapter, these requirements take precedence. Refer to Chapters [85](#) and [90](#) KZC for additional requirements for these areas.

- a. Plant Source. Plant materials must be native and selected from the Kirkland Plant List. Seed source must be as local as possible, and plants must be nursery propagated unless transplanted from on-site areas approved for disturbance. These requirements must be included in the Mitigation Plan specifications.
- b. Installation. Plant materials must be supported only when necessary due to extreme winds at the planting site. Where support is necessary, stakes, guy wires, or other measures must be removed as soon as the plant can support itself, usually after the first growing season. All fertilizer applications to turf or trees and shrubs shall follow Washington State University, National Arborist Association or other accepted agronomic or horticultural standards.
- c. Fertilizer Applications. Fertilizers shall be applied in such a manner as to prevent its entry into waterways and wetlands and minimize its entry into storm drains. No applications shall be made within 50 feet of a waterway or wetland, or a required buffer as established by the City codes (such as Chapter [90](#) KZC) or Kirkland Shoreline Master Program (SMP, KMC Title 24), whichever is greater, unless specifically authorized in an approved mitigation plan or otherwise authorized in writing by the Planning Official.

### **95.50-51 Tree and Landscape Maintenance Requirements**

The following maintenance requirements apply to all trees, including street trees, and other vegetation required to be planted or preserved by the City:

1. Responsibility for Regular Maintenance. Required trees and vegetation, fences, walls, and other landscape elements shall be considered as elements of the project in the same manner as parking, building materials, and other site details. The applicant, landowner, or successors in interest shall be responsible for the regular maintenance of required landscaping elements. Plants that die must be replaced in kind. It is also the responsibility a property owner to maintain street trees abutting their property pursuant to KZC 95.21.
2. Maintenance Duration. Maintenance shall be ensured in the following manner except as set forth in subsections (3) and (4) of this section:
  - a. All required landscaping shall be maintained throughout the life of the development. Prior to issuance of a certificate of occupancy, the proponent shall provide a final as-built landscape plan and an agreement to maintain and replace all landscaping that is required by the City.
  - b. Any existing tree or other existing vegetation designated for preservation ~~on a Tree Plan I, Major, a Tree Plan II, or a Tree Plan III~~ in a Tree Retention Plan shall be maintained for a period of five years following issuance of the certificate of occupancy for the individual lot or development. After five years, all trees on the property are subject to KZC ~~95.20-95.23~~ unless:

- 1           1) The tree and associated vegetation are in a grove that is protected pursuant to  
2           subsubsection (3) of this section; or
- 3           2) The tree or vegetation is considered to be a public benefit related to approval of a  
4           planned unit development; or
- 5           3) The tree or vegetation was retained to partially or fully meet requirements of KZC  
6           95.40 through KZC 95.45, Required Landscaping.
- 7   3. Maintenance of Preserved Grove. Any applicant who has a grove of trees identified for  
8   preservation on an approved ~~tree plan~~ Tree Retention Plan pursuant to KZC  
9   95.35(4)(a)(1)(b)95.30.2.a shall provide prior to occupancy the legal instrument acceptable  
10 to the City to ensure preservation of the grove and associated vegetation in perpetuity,  
11 except that the agreement may be extinguished if the Planning Official determines that  
12 preservation is no longer appropriate.
- 13 4. Maintenance of Critical Area and Critical Area Buffers. In critical areas and their buffers,  
14 native vegetation is not to be removed without City approval pursuant to KZC  
15 95.35(4)(e)95.23.5.c. However, it is the responsibility of the property owner to maintain  
16 critical areas and their buffers by removing non-native, invasive, and noxious plants in a  
17 manner that will not harm critical areas or their buffers. See also subsection (6) of this  
18 section and Chapters 85 and 90 KZC for additional requirements for trees and other  
19 vegetation within critical areas and critical area buffers.
- 20 5. Non-Native Invasive and Noxious Plants. It is the responsibility of the property owner to  
21 remove non-native invasive plants and noxious plants from the vicinity of any tree or other  
22 vegetation that the City has required to be planted or protected. Removal must be  
23 performed in a manner that will not harm the tree or other vegetation that the City has  
24 required to be planted or protected.
- 25 6. Pesticides, Herbicides, and Fertilizer. The use of plant material requiring excessive pesticide  
26 or herbicide applications to be kept healthy and attractive is discouraged. Pesticide,  
27 herbicide, and fertilizer applications shall be made in a manner that will prevent their  
28 unintended entry into waterways, wetlands, and storm drains. No application shall be made  
29 within 50 feet of a waterway or wetland or a required buffer as established by City codes,  
30 whichever is greater, unless done so by a state certified applicator with approval of the  
31 Planning Official, and is specifically authorized in an approved mitigation plan or otherwise  
32 authorized in writing by the Planning Official.
- 33 7. Landscape Plans and Utility Plans. Landscape plans and utility plans shall be coordinated. In  
34 general, the placement of trees and large shrubs should adjust to the location of required  
35 utility routes both above and below ground. Location of plants shall be based on the plant's  
36 mature size both above and below ground. See the Kirkland Plant List for additional  
37 standards.

## 38 **95.52 Prohibited Vegetation**

39 Plants listed as prohibited in the Kirkland Plant List shall not be planted in the City.

1 For landscaping not required under this chapter, this prohibition shall become effective on  
2 February 14, 2008. The City may require removal of prohibited vegetation if installed after this  
3 date. Residents and property-owners are encouraged to remove pre-existing prohibited  
4 vegetation whenever practicable.

## 5 **95.55 Enforcement and Penalties**

6 1. Intent. These enforcement and penalty provisions have several purposes. First, they are  
7 intended to discourage damage or removal of significant trees above and beyond what is  
8 permitted under this chapter. Second, these enforcement and penalty provisions are  
9 intended to provide complete and effective restoration of areas in which violations of this  
10 chapter occur. Finally, these regulations are intended to provide a clear and efficient process  
11 for addressing violations of this chapter.

12 The City may utilize one or more of several remedies when responding to violations of this  
13 chapter. In almost all cases where a violation has occurred, the City will issue a civil citation  
14 that describes the nature of the violation, the actions necessary to remedy the violation, and  
15 the amount of any civil penalty, among other things. If the acts that constitute a violation  
16 appear to be ongoing, the City may also issue a notice of cease and desist. Failure to adhere  
17 to a notice to cease and desist will result in imposition of additional civil penalties. If there is  
18 a pending development or building permit, the City may also issue a stop work order or  
19 withhold issuance of permit approval or a certificate of occupancy. Finally, additional fines  
20 may be imposed if a violator does not follow through in a timely manner with restoration  
21 work or other compliance issues.

22 2. General Requirements. Enforcement shall be conducted in accordance with procedures set  
23 forth in Chapter [170 KZC](#). Special enforcement provisions related to tree conservation are  
24 set forth below. To the extent there is a conflict between the provisions of this section and  
25 Chapter [170 KZC](#), this section shall control.

26 [For code enforcement provisions regarding street trees and trees located on City property](#)  
27 [see Kirkland Municipal Code Chapter 19.36.](#)

28 3. Authority. It shall be the duty of the Planning Official to administer the provisions of this  
29 chapter. The Planning Official shall have authority to enforce and carry out the provisions of  
30 this chapter.

31 4. Cease and Desist. The Planning Official may issue a notice to cease and desist using the  
32 procedure set forth in KZC [170.30](#) if the Planning Official finds that a violation of this code  
33 has occurred. Continued illegal tree activity following issuance of a cease and desist from  
34 the City for the tree activity shall result in fines of \$1,000 per day of continued activity.

35 5. Stop Work Order. If a violation of this chapter or an approved ~~I~~tree ~~R~~Retention ~~p~~Plan occurs  
36 on property on which work is taking place pursuant to a City of Kirkland development or  
37 building permit, the Building Official may suspend some or all of the work as appropriate  
38 through issuance of a stop work order. The Building Official shall remove the stop work  
39 order when the City determines that the violation has been corrected or when the City has  
40 reached an agreement with the violator regarding rectification of the violation. Any stop

1 work order issued under this section may be appealed using the procedures set forth in  
2 Chapter 21.06 KMC.

3 6. Civil Citation. The City's Code Enforcement Officer shall notify a person who violates this  
4 chapter by issuance of a civil citation. The civil citation shall be in writing, and issued by  
5 certified mail with return receipt requested, or by personal service. The civil citation shall  
6 contain the following:

7 a. The name and address of the property owner or other person to whom the civil citation  
8 is directed;

9 b. The street address or description sufficient for identification of the land upon which the  
10 violation has occurred or is occurring;

11 c. A description of the violation and a reference to the provisions of this chapter that have  
12 been violated;

13 d. A statement of the restoration action required to be taken to correct the violation as  
14 determined by the Planning Official;

15 e. A statement of the civil penalty incurred for each violation;

16 f. A statement that the person to whom the civil citation is issued must correct the  
17 violation through restoration described in subsection (8) of this section and may pay the  
18 civil penalty or may appeal the civil citation as provided in this section.

19 Note: Section [95.55](#) continues on page 636.23.

20 7. Civil Penalty.

21 a. A person who fails to comply with the requirements of this chapter or the terms of a  
22 permit issued hereunder, who undertakes an activity regulated by this chapter without  
23 obtaining a permit, or fails to comply with a cease and desist or stop work order issued  
24 under this chapter shall also be subject to a civil penalty as set forth in Table 95.55.1.  
25 Each unlawfully removed or damaged tree shall constitute a separate violation.

26 b. Any person who aids or abets in the violation shall be considered to have committed a  
27 violation for purposes of the civil penalty.

28 c. The amount of the penalty shall be assessed in accordance with Table 95.55.1. The  
29 Planning Official may elect not to seek penalties if he or she determines that the  
30 circumstances do not warrant imposition of civil penalties in addition to restoration.

**Table 95.55.1 – Penalties**

Types of Violations	Allowable Fines per Violation
1. Removal of tree(s) approved to be removed, but prior to final tree plan approval or issuance of a City tree removal permit	\$100.00 per tree

2. Removal or damage of tree(s) that are or would be shown to be retained on an approved tree plan or any other violation of approved tree protection plan	\$1,000 per tree
3. Removal of tree(s) without applying for or obtaining a required City permit	\$1,000 per tree

- 1 8. Tree Restoration.
- 2 a. Violators of this chapter or of a permit issued thereunder shall be responsible for
- 3 restoring unlawfully damaged areas in conformance with a plan, approved by the
- 4 Planning Official, which provides for repair of any environmental and property damage,
- 5 and restoration of the site; and which results in a site condition that, to the greatest
- 6 extent practical, equals the site condition that would have existed in the absence of the
- 7 violation(s). In cases where the violator intentionally or knowingly violated this chapter
- 8 or has committed previous violations of this chapter, restoration costs may be based on
- 9 the City-appraised tree value of the subject trees in which the violation occurred,
- 10 utilizing the industry standard trunk formula method in the current edition of Guide for
- 11 Plant Appraisal. If diameter of removed tree is unknown, determination of the diameter
- 12 size shall be made by the Planning Official by comparing size of stump and species to
- 13 similar trees in similar growing conditions. The amount of costs above the approved
- 14 restoration plan will be paid into the City forestry account.
- 15 b. Restoration Plan Standards. The restoration plan shall be in accordance to the following
- 16 standards:
- 17 1) The number of trees required to be planted is equal to the number of tree credits of
- 18 | illegally removed trees according to Table 95.3533.1.
- 19 2) The minimum size for a tree planted for restoration is 12-foot-tall conifer and three-
- 20 inch caliper deciduous or broadleaf evergreen tree. The City may approve smaller
- 21 restoration tree sizes at a higher restoration ratio, provided the site has capacity for
- 22 the additional trees and the results of restoration at a higher restoration ratio is as
- 23 good or better than at the normal ratio. The smallest allowable alternatives to the
- 24 normal restoration requirements shall be two eight-foot conifers for one 12-foot
- 25 conifer or two two-inch caliper deciduous for one three-inch caliper deciduous tree.
- 26 3) In the event the violators cannot restore the unlawfully removed or damaged trees,
- 27 the violators shall make payment to the City forestry account. Unless otherwise
- 28 determined to base the restoration costs on appraised value, the amount paid will be
- 29 the City's unit cost for a restoration tree multiplied by the number of outstanding
- 30 tree credits. The City's unit cost is based on the current market cost of purchase,
- 31 installation and three-year maintenance for a minimum-sized tree for restoration.
- 32 4) The restoration plan shall include a maintenance plan and an agreement or security
- 33 to ensure survival and maintenance of restoration trees for a three-year period
- 34 unless the violation was on a site with an approved tree plan in which case, the
- 35 maintenance period is five years.

1 9. Failure to Restore or Pay Fines.

2 a. Prohibition of Further Approvals. The City shall not approve any application for a  
3 subdivision or any other development permit or approval, or issue a certificate of  
4 occupancy for property on which a violation of this chapter has occurred until the  
5 violation is cured by restoration or other means accepted by the Planning Official and by  
6 payment of any penalty imposed for the violation.

7 b. Fines. A property owner or occupant who fails to restore or otherwise cure property on  
8 which a violation of this chapter has occurred shall be assessed a fine of \$100.00 per  
9 day for each day that restoration is incomplete. Prior to assessing fines under this  
10 subsection, the City shall issue a written notice to the property owner or that restoration  
11 has not been completed. The notice shall include the following information: (1) a  
12 description of the nature of the violation; (2) a description of what actions are required  
13 to bring the property into compliance; and (3) a date by which compliance shall be  
14 required (the "compliance date"). The compliance date shall be no less than 30 days  
15 from the date the notice is served on the property owner or occupant. If the property  
16 owner or occupant does not, in the determination of the City, bring the property into  
17 compliance by the compliance date, then the City may issue an order imposing \$100.00  
18 per day fines at any time after the compliance date. The fines shall continue to accrue  
19 until the violation has been certified to be corrected by the Planning Department. The  
20 property owner or occupant may appeal the order imposing fines to the hearing  
21 examiner using the procedures set forth in subsection 10 of this section.

22 10. Appeal to Hearing Examiner.

23 a. A person to whom a civil citation or order imposing fines is directed may appeal the civil  
24 citation, including the determination that a violation exists or the amount of any  
25 monetary penalty imposed, to the Hearing Examiner.

26 b. A person may appeal the civil citation or order imposing fines by filing a written notice of  
27 appeal with the Department of Planning and Community Development within 14  
28 calendar days of the date of service of the civil citation or order imposing fines.

29 c. Fines that accrue on a daily basis shall not be imposed while an appeal is pending unless  
30 the Hearing Examiner determines that the appeal is frivolous or imposed solely for the  
31 purpose of delay.

32 d. If both a civil citation and an order to cease and desist have been issued in the same  
33 case, and both the civil citation and the order to cease and desist have been appealed,  
34 the appeals shall be consolidated for hearing.

35 e. The office of the Hearing Examiner shall give notice of the hearing to the appellants at  
36 least 17 calendar days prior to the hearing.

37 f. The Hearing Examiner shall conduct a hearing on the appeal pursuant to the rules of  
38 procedure provided for in the Administrative Procedures Act (Chapter 34.05 RCW) and in  
39 accordance with any rules for hearings promulgated by the Hearing Examiner. The City

1 and the appellant may participate as parties in the hearing and each may call witnesses.  
2 The City shall have the burden of proof by a preponderance of the evidence that a  
3 violation has occurred.

4 11. Hearing Examiner Decision.

5 a. The Hearing Examiner shall determine whether the City has proven by a preponderance  
6 of the evidence that a violation has occurred and shall affirm, vacate, suspend, or  
7 modify the amount of any monetary penalty imposed by the civil citation, with or  
8 without written conditions.

9 b. In the event that the Hearing Examiner determines that a violation has occurred, the  
10 Hearing Examiner shall also consider the following in making his or her decision: (1)  
11 whether the appeal is frivolous or intended to delay compliance; (2) whether the  
12 appellant exercised reasonable and timely effort to comply with applicable development  
13 regulations; and (3) any other relevant factors.

14 c. The Hearing Examiner shall mail a copy of his or her decision to the appellant, by  
15 certified mail, postage prepaid, return receipt requested.

16 d. The decision of the Hearing Examiner may be reviewed in King County Superior Court  
17 using the standards set forth in RCW 36.70C.130. The land use petition must be filed  
18 within 21 calendar days of the issuance of the final land use decision by the Hearing  
19 Examiner (see Chapter 36.70C RCW for more information).

20 **95.30-57 City Forestry Account**

21 1. Funding Sources. All civil penalties received under this chapter and all money received  
22 pursuant to KZC 95.35 shall be used for the purposes set forth in this section. In addition,  
23 the following sources may be used for the purposes set forth in this section:

24 a. Agreed upon restoration payments imposed under KZC 95.55 or settlements in lieu of  
25 penalties;

26 b. Sale of trees or wood from City property where the proceeds from such sale have  
27 not been dedicated to another purpose;

28 c. Donations and grants for tree purposes;

29 d. Sale of seedlings by the City; and

30 e. Other monies allocated by the City Council.

31 2. Funding Purposes. The City shall use money received pursuant to this section for the  
32 following purposes:

33 a. Acquiring, maintaining, and preserving wooded areas within the City;

34 b. Planting and maintaining trees within the City;

- 1 ~~c. Identification and maintenance of landmark trees;~~
- 2 ~~dc.~~ Establishment of a holding public tree nursery;
- 3 ~~ed.~~ Urban forestry education;
- 4 ~~e.~~ Implementation of a tree canopy monitoring program; or
- 5 f. Other purposes relating to trees as determined by the City Council.

DRAFT

# KIRKLAND ZONING CODE CHAPTER 95 – TREE MANAGEMENT AND REQUIRED LANDSCAPING

## 95.05 Purpose and Intent

1. Trees and other vegetation are important elements of the physical environment. They are integral to Kirkland's community character and protect public health, safety and general welfare. Protecting, enhancing, and maintaining healthy trees and vegetation are key community values. Comprehensive Plan Policy NE-3.1 describes working towards achieving a Citywide tree canopy coverage of 40 percent. The many benefits of healthy trees and vegetation contribute to Kirkland's quality of life by:
  - a. Minimizing the adverse impacts of land disturbing activities and impervious surfaces such as runoff, soil erosion, land instability, sedimentation and pollution of waterways, thus, reducing the public and private costs for storm water control/treatment and utility maintenance;
  - b. Improving the air quality by absorbing air pollutants, mitigating the urban heat island effect, assimilating carbon dioxide and generating oxygen, and decreasing the impacts of climate change;
  - c. Reducing the effects of excessive noise pollution;
  - d. Providing cost-effective protection from severe weather conditions with cooling effects in the summer months and insulating effects in winter;
  - e. Providing visual relief and screening buffers;
  - f. Providing recreational benefits;
  - g. Providing habitat, cover, food supply and corridors for a diversity of fish and wildlife; and
  - h. Providing economic benefit by enhancing local property values and contributing to the region's natural beauty, aesthetic character, and livability of the community.
2. Tree and vegetation removal in urban areas has resulted in the loss to the public of these beneficial functions. The purpose of this chapter is to establish a process and standards to provide for the protection, preservation, replacement, proper maintenance, and use of significant trees, associated vegetation, and woodlands located in the City of Kirkland.

The intent of this chapter is to:

- a. Maintain and enhance canopy coverage provided by trees for their functions as identified in KZC [95.05\(1\)](#);

- 1 b. Preserve and enhance the City of Kirkland's environmental, economic, and community  
2 character with mature landscapes;
- 3 c. Promote site planning, building, and development practices that work to avoid removal  
4 or destruction of trees and vegetation, that avoid unnecessary disturbance to the City's  
5 natural vegetation, and that provide landscaping to buffer the effects of built and paved  
6 areas;
- 7 d. Mitigate the consequences of required tree removal in land development through on-  
8 and off-site tree replacement with the goals of halting net loss and enhancing Kirkland's  
9 tree canopy to achieve an overall healthy tree canopy cover of 40 percent City-wide over  
10 time;
- 11 e. Encourage tree retention efforts by providing flexibility with respect to certain other  
12 development requirements;
- 13 f. Implement the goals and objectives of the City's Comprehensive Plan;
- 14 g. Implement the goals and objectives of the State Environmental Policy Act (SEPA); and
- 15 h. Manage trees and other vegetation in a manner consistent with the City's Natural  
16 Resource Management Plan.
- 17 i. Preserve and protect street trees, trees in public parks and trees on other city property.

## 18 **95.10 Definitions**

19 The following definitions shall apply throughout this chapter unless the context clearly indicates  
20 otherwise. Definitions that apply throughout this code are also located in Chapter [5](#) KZC.

21 Caliper – The American Association of Nurserymen standard for trunk measurement of nursery  
22 stock. Caliper of the trunk shall be the trunk diameter measured six inches above the ground  
23 for up to and including four-inch caliper size and 12 inches above the ground for larger sizes.

24 Critical Root Zone – The area surrounding a tree at a distance from the trunk, which is equal to  
25 one foot for every inch of trunk diameter measured at 4.5 feet from grade or otherwise  
26 determined by a qualified professional (example: 1' radius per 1" DBH).

27 Crown – The area of a tree containing leaf- or needle-bearing branches.

28 Diameter at Breast Height (DBH) – The diameter or thickness of a tree trunk measured at 4.5  
29 feet from the ground. DBH is also known as Diameter at Standard Height (DSH).

30 Dripline – The distance from the tree trunk, that is equal to the furthest extent of the tree's  
31 crown.

32 Grove – A group of three or more significant viable trees with overlapping or touching crowns.

1 Hazard Tree - A tree that meets all the following criteria:

- 2 1. A tree with a combination of structural defects and/or disease which makes it subject to  
3 a high probability of failure;
- 4 2. Is in proximity to moderate to high frequency targets (persons or property that can be  
5 damaged by tree failure); and
- 6 3. The hazard condition of the tree cannot be lessened with reasonable and proper  
7 arboricultural practices nor can the target be removed.

8 Impact – A condition or activity that affects a part of a tree including the trunk, branches, and  
9 critical root zone.

10 Limit of Disturbance – The boundary between the protected area around a tree and the  
11 allowable site disturbance as determined by a qualified professional measured in feet from the  
12 trunk.

13 Nuisance Tree - A tree that meets any of the following criteria:

- 14 1. Is causing obvious, physical damage to private or public structures, including but not  
15 limited to: sidewalk, curb, road, driveway, parking lot, building foundation, roof; or
- 16 2. Has been damaged by past maintenance practices, that cannot be corrected with proper  
17 arboricultural practices. The problems associated with the tree must be such that they  
18 cannot be corrected by any other reasonable practice. Including but not limited to the  
19 following:
  - 20 a) Pruning of the crown or roots of the tree and/or small modifications to the site  
21 including but not limited to a driveway, parking lot, patio or sidewalk to alleviate the  
22 problem.
  - 23 b) Pruning, bracing, or cabling to reconstruct a healthy crown.

24 Public Works Official – Designee of the Public Works Director

25 Qualified Professional – An individual with relevant education and training in arboriculture or  
26 urban forestry, having two or more of the following credentials:

- 27 • International Society of Arboriculture (ISA) Certified Arborist;
- 28 • Tree Risk Assessor Certification (TRACE) as established by the Pacific Northwest Chapter  
29 of ISA (or equivalent);
- 30 • American Society of Consulting Arborists (ASCA) registered Consulting Arborist;
- 31 • Society of American Foresters (SAF) Certified Forester for Forest Management Plans;

32 For tree retention associated with a development permit, a qualified professional must have, in  
33 addition to the above credentials, a minimum of 3 years experience working directly with the  
34 protection of trees during construction and have experience with the likelihood of tree survival

- 1 after construction. A qualified professional must also be able to prescribe appropriate measures  
2 for the preservation of trees during land development.
- 3 Significant Tree – A tree that is at least six inches in diameter at breast height (DBH) as  
4 measured at 4.5 from the ground.
- 5 Significantly Wooded Site – A subject property that has a number of significant trees with  
6 crowns that cover at least 40 percent of the property.
- 7 Site Disturbance – Any development, construction, or related operation that could alter the  
8 subject property, including, but not limited to, soil compaction, tree or tree stump removal,  
9 road, driveway or building construction, installation of utilities, or grading.
- 10 Specimen Tree – A viable tree that is considered in very good to excellent health and free of  
11 major defects, as determined by the City's Urban Forester.
- 12 Street Tree - A tree located within the public right-of-way; provided, that if the trunk of the tree  
13 straddles the boundary line of the public right-of-way and the abutting property, it shall be  
14 considered to be on the abutting property and subject to the provisions of this chapter.
- 15 Tree Removal – The removal of a tree, through either direct or indirect actions, including but  
16 not limited to: (1) clearing, damaging or poisoning resulting in an unhealthy or dead tree; (2)  
17 removal of at least half of the live crown; or (3) damage to roots or trunk that is likely to  
18 destroy the tree's structural integrity.
- 19 Retention Value – The Planning Official's designation of a tree based on information provided by  
20 a qualified professional that is one of the following:
- 21 a. High, a viable tree, located within required yards and/or required landscape areas. Tree  
22 retention efforts shall be directed to the following trees if they are determined to be  
23 healthy and windfirm by a qualified professional, and provided the trees can be safely  
24 retained when pursuing alternatives to development standards pursuant to KZC 95.32:
- 25 1) Specimen trees;
- 26 2) Tree groves and associated vegetation that are to be set aside as preserved groves  
27 pursuant to KZC [95.51](#)(3);
- 28 3) Trees on slopes of at least 10 percent; or
- 29 4) Trees that are a part of a grove that extends into adjacent property, such as in a  
30 public park, open space, sensitive area buffer or otherwise preserved group of trees  
31 on adjacent private property. If significant trees must be removed in these  
32 situations, an adequate buffer of trees may be required to be retained or planted on  
33 the edge of the remaining grove to help stabilize.
- 34 b. Moderate, a viable tree that is to be retained if feasible; or

1 c. Low, a tree that is either (1) not viable or (2) is in an area where removal is unavoidable  
2 due to the anticipated development activity.

3 Viable Tree – A significant tree that a qualified professional has determined to be in good  
4 health, with a low risk of failure due to structural defects, is windfirm if isolated or remains as  
5 part of a grove, and is a species that is suitable for its location.

6 Wildlife Snag – The remaining trunk of a tree that is intentionally reduced in height and usually  
7 stripped of its live branches.

8 Windfirm – A condition of a tree in which it withstands average peak local wind speeds and  
9 gusts.

## 10 **95.20 Exemptions**

11 The following activities are exempt from the provisions of this chapter:

12 1. Emergency Tree Removal. Any tree on private property that poses an imminent threat to life  
13 or property may be removed without first obtaining a tree removal permit. The City must be  
14 notified within seven days of the emergency tree removal with evidence of the threat for  
15 removing the tree to be considered exempt from this chapter. If the Planning Official  
16 determines that the emergency tree removal was not warranted, the Planning Official may  
17 require that the party obtain a permit and/or require that replacement trees and vegetation  
18 be replanted as mitigation.

19 2. Utility Maintenance. Trees may be removed by the City or utility provider in situations  
20 involving immediate danger to life or property, or interruption of services provided by a  
21 utility.

22 3. Commercial Nurseries or Tree Farms. A nursery or tree farm owner may remove trees that  
23 are being grown to be sold as Christmas or landscape trees.

## 24 **95.21 Tree Pruning**

25 1. Tree Pruning of Street Trees. Property owners should maintain street trees abutting their  
26 property, which may include pruning, watering, and mulching. In order to prune, trim,  
27 modify, or alter a street tree, the abutting property owner shall apply for a permit by filing a  
28 written application with the City. Pruning shall conform to the most recent version of the  
29 American National Standards Institute (ANSI) A300 Part 1 – 2001 Pruning standards or as  
30 outlined in an approved Utility Vegetation Management Plan. The City reserves the right to  
31 have City or utility crews perform routine pruning and maintenance of street trees.

32 2. Tree Pruning on Private Property. A permit is not required to prune trees on private  
33 property. Pruning which results in the removal of at least half of the live crown will be  
34 considered tree removal and subject to the provisions in KZC 95.23.

35 Tree topping is not allowed. If a tree required by this Chapter is smaller than six inches in  
36 diameter and is topped, it must be replaced pursuant to the standards in KZC [95.55](#)(8)(b).

1 If a tree six inches or larger in diameter is topped, the owner must have a qualified  
2 professional develop and implement a five-year restoration pruning program.

### 3 **95.23 Tree Removal – Not Associated with Development Activity**

4 1. Introduction. Tree and vegetation removal in urban areas has resulted in the loss of  
5 beneficial functions provided by trees to the public. The majority of tree canopy within the  
6 City of Kirkland is on private property. The purpose of this section is to establish a process  
7 and standards to slow the loss of tree canopy on private property, contributing towards the  
8 City's canopy goals and a more sustainable urban forest.

9 2. Trees on City Property; Permit Required for Removal of Trees on Private Property or City  
10 Right-of-Way

11 It is unlawful for any person (other than City crews) to remove, prune, trim, modify, alter or  
12 damage a tree in a public park or on any other City property.

13 No person, directly or indirectly, shall remove any significant tree on any property within the  
14 City, or any tree in the public right-of-way without first obtaining a tree removal permit as  
15 provided in this chapter, unless the activity is exempted in KZC [95.20](#).

16 3. Tree Removal Permit Application Form

17 The Department of Planning and Community Development and Public Works Department  
18 shall establish and maintain a tree removal permit application form to allow property owners  
19 to request City review of tree removal for compliance with applicable City regulations. The  
20 tree removal application form shall include at a minimum the following:

21 a. A site plan showing the approximate location of significant trees, their size (DBH) and  
22 their species, along with the location of structures, driveways, access ways and  
23 easements.

24 b. For required replacement trees, a planting plan showing location, size and species of the  
25 new trees in accordance to standards set forth in KZC 95.33.3.

26 4. Tree Removal Permit Application Procedure and Appeals

27 a. Applicants requesting to remove trees must submit a completed permit application on a  
28 form provided by the City. The City shall review the application within 21 calendar days  
29 and either approve, approve with conditions or modifications, deny the application or  
30 request additional information. Any decision to deny the application shall be in writing  
31 along with the reasons for the denial and the appeal process.

32  
33 b. An applicant may appeal an adverse determination to the Hearing Examiner. A written  
34 notice of appeal shall be filed with the City within 14 calendar days following the date of  
35 distribution of a City's decision. The office of the Hearing Examiner shall give notice of  
36 the hearing to the applicant at least 17 calendar days prior to the hearing. The applicant  
37 shall have the burden of proving that the City made an incorrect decision. Based on the

1 Hearing Examiner's findings and conclusions, the Hearing Examiner may affirm, reverse  
2 or modify the decision being appealed.  
3

4 5. Tree Removal Allowances  
5

6 Tree removal not associated with development activity is allowed provided that the tree  
7 removal and retention and replacement standards outlined in subsections (5)(a) through  
8 (5)(e) below have been met.  
9

10 a. Removal of Significant Viable Trees.  
11

12 Any private property owner of developed property may remove up to two significant  
13 viable trees from their property within a 12-month period upon approval of a tree  
14 removal permit; provided that there is no active application for development activity for  
15 the site, the trees were not required to be retained as a condition of previous  
16 development activity,  
17

18 b. Shoreline Jurisdiction.  
19

20 Properties located with the City's shoreline jurisdiction are subject to additional tree  
21 removal and replacement standards if the tree(s) to be removed are located within the  
22 required shoreline setback. See KZC Chapter 83 for additional standards.

23 c. Removal of Hazard or Nuisance Trees  
24

25 Any private property owner seeking to remove any number of significant trees which are  
26 a hazard or nuisance from developed or undeveloped property or the public right-of-way  
27 shall first obtain upon approval of a tree removal permit and meet the requirements of  
this subsection.

28 1) Tree Risk Assessment. If the nuisance or hazard condition is not obvious a tree  
29 risk assessment prepared by a qualified professional explaining how the tree(s)  
30 meet the definition of a nuisance or hazard tree is required. Removal of  
31 nuisance or hazard trees does not count toward the tree removal limit if the  
32 nuisance or hazard is supported by a report prepared by a qualified professional  
33 and approved by the City.

34 2) Trees in Critical Areas or Critical Areas Buffers. For hazard or nuisance trees in  
35 (1) easements dedicated to ensure the protection of vegetation; (2) critical  
36 areas, or (3) critical area buffers, a planting plan is required to mitigate the  
37 removal of the hazard or nuisance tree. The priority action is to create a "snag"  
38 or wildlife tree with the subject tree. If creation of a snag is not feasible, then  
39 the felled tree shall be left in place unless the Planning Official permits its  
40 removal in writing.

41 The intent of preserving vegetation in and near streams and wetlands and in  
42 geologically hazardous areas is to support the functions of healthy sensitive

1 areas and sensitive area buffers (see Chapter [90](#) KZC) and/or avoid disturbance  
2 of geologically hazardous areas (see Chapter [85](#) KZC).

3 The removal of any tree in a critical area or Native Growth Protective Easement  
4 will require the planting of a native tree of a minimum of six feet in height in  
5 close proximity to where the removed tree was located. Selection of native  
6 species and timing of installation shall be coordinated with the Planning Official.

- 7 3) Street Trees. Street trees may only be removed if determined to be a hazard or  
8 nuisance. If the removal request is for street trees, the Public Works Official  
9 may consider whether the tree(s) are now, or may be in the future, part of the  
10 City's plans for the right-of-way. The City shall require a one-for-one tree  
11 replacement in a suitable location.

12 d. Tree Retention and Replacement Requirements

- 13  
14 1) Tree Retention. For single-family homes, cottages, carriage units, two/three-unit  
15 homes, one significant viable tree for every 2,500 square feet of land area shall be  
16 required to remain on the subject property. When this results in a fraction, the  
17 number of trees to remain shall be rounded up to the next whole number.

18  
19 2) Tree Replacement.

- 20  
21 a) For every significant tree that is removed and is not required to remain based on  
22 subsection (5)(a)(1) above, the City encourages the planting of a tree that is  
23 appropriate to the site.

- 24  
25 b) If a tree removal request is for one or more of the trees required to remain, a  
26 one-for-one replacement is required. The replacement tree shall be six feet tall  
27 for a conifer and two-inch caliper for deciduous or broad-leaf evergreen tree.

- 28  
29 c) For all other uses, the required tree replacement will be based on the required  
landscaping standards in KZC 95.40 through 95.46.

30 e. Forest Management Plan

- 31 1) A Forest Management Plan must be submitted for developed, significantly wooded  
32 sites (over 40% canopy coverage) of at least 35,000 square feet in size in which tree  
33 removal is requested and is not exempt under Section [95.20](#) of this Chapter. A  
34 Forest Management Plan must be developed by a qualified professional and shall  
35 include the following:

- 36 a) A site plan depicting the location of all significant trees (a survey identifying tree  
37 locations is not required) with a numbering system of the trees (with  
38 corresponding tags on trees in the field). The site plan shall include size (DBH),  
39 species, and condition of each tree;

- 1           b) Identification of trees to be removed, including reasons for their removal and a  
2           description of low impact removal techniques pursuant to subsection (2) of this  
3           section;
- 4           c) A reforestation plan that includes location, size, species, and timing of  
5           installation;
- 6           2) The following Forest Management Plan standards shall apply:
- 7           a) Trees to remain should be dominant or co-dominant in the stand, healthy and  
8           wind-firm.
- 9           b) No removal of trees from critical areas and their buffers, unless otherwise  
10          permitted by this chapter.
- 11          c) No removal of specimen trees, unless otherwise permitted by this chapter.
- 12          d) No removal of healthy trees that would cause trees on adjacent properties to  
13          become hazardous.
- 14          e) The reforestation plan ensures perpetuity of the wooded areas. The size of  
15          planted trees for reforestation shall be a minimum of three feet tall.
- 16          f) Logging operations shall be conducted so as to expose the smallest practical area  
17          of soil to erosion for the least possible time. To control erosion, native shrubs,  
18          ground cover and stumps shall be retained where feasible. Where not feasible,  
19          appropriate erosion control measures to be approved by the City shall be  
20          implemented.
- 21          g) Removal of tree debris shall be done pursuant to Kirkland Fire Department  
22          standards.
- 23          h) Recommended maintenance prescription for retained trees with a specific  
24          timeline for such management.

## 25   **95.25 Sustainable Site Development**

26   All activities regulated by this chapter shall be performed in compliance with the applicable  
27   standards contained in this chapter, unless the applicant demonstrates that alternate measures  
28   or procedures will be equal or superior to the provisions of this chapter in accomplishing the  
29   purpose and intent of this chapter as described in KZC [95.05](#).

30   Applicants requesting alternative compliance shall submit a site assessment report prepared by  
31   a qualified professional detailing how the proposed alternative measures will be equal or  
32   superior to the benefits provided by the established trees to be removed. Qualifying projects  
33   shall implement sustainable site development strategies throughout the construction process as  
34   well as contain measurable performance standards for the techniques used. Examples of  
35   sustainable site development include building placement with minimal site impact, habitat

1 protection, water conservation, heat island reduction, stormwater flow runoff control and water  
2 quality, and utilization of the site's natural services such as solar and wind. Requests to use  
3 alternative measures and procedures shall be reviewed by the Planning Official, who may  
4 approve, approve with conditions, or deny the request.

## 5 **95.30 Tree Retention Associated with Development Activity**

### 6 1. Introduction.

7 The City's objective is to retain as many viable trees as possible on a developing site while  
8 still allowing the development proposal to move forward in a timely manner. To that end,  
9 the City requires approval of a tree retention plan in conjunction with all development  
10 permits resulting in site disturbance and for any tree removal on developed sites not  
11 exempted by KZC [95.20](#). This section includes provisions that allow development standards  
12 to be modified in order to retain viable significant trees. In order to make better decisions  
13 about tree retention, particularly during all stages of development, tree retention plans will  
14 require specific information about the existing trees before removal is allowed. Specific tree  
15 retention plan review standards provided in this section establish tree retention priorities,  
16 incentives, and variations to development standards in order to facilitate preservation of  
17 viable significant trees.

18 A minimum tree density approach is being used to retain as many significant viable trees as  
19 possible with new development activity. The requirement to meet a minimum tree density  
20 applies to new single-family homes, cottages, carriage units, two/three-unit homes, and  
21 new residential subdivisions and short subdivisions. If such a site falls below the minimum  
22 density with existing trees, supplemental planting is required. A tree density for existing  
23 trees to be retained is calculated to see if new trees are required in order to meet the  
24 minimum density for the entire site. Supplemental tree location priority is set as well as  
25 minimum size of supplemental trees to meet the required tree density.

26 The importance of effective protection of retained trees during construction is emphasized  
27 with specific protection standards in the last part of this section. These standards must be  
28 adhered to and included on demolition, grading and building plans as necessary.

### 29 2. Tree Retention Plan Required

30 An applicant for a development permit must submit a tree retention plan that complies with  
31 this section. A qualified professional may be required to prepare certain components of a  
32 tree retention plan at the applicant's expense. If proposed development activities call for  
33 more than one tree retention plan component, the more stringent tree retention plan  
34 component shall apply; provided, that the Planning Official may require a combination of  
35 tree plan components based on the nature of the proposed development activities. If the  
36 proposed activity is not clearly identified in this chapter, the Planning Official shall determine  
37 the appropriate tree retention plan requirements.

38 The chart in subsection (5) sets forth the tree retention plan requirements for development  
39 activities and associated tree removal. Applicants for development are encouraged to confer  
40 with City staff as early in the design process as possible so that the applicable tree planting

1 and retention concepts can be incorporated into the design of the subject property. The  
2 Planning Official may waive a component of the tree retention plan, if he or she determines  
3 that the information is not necessary.

4 3. Tree Retention Plan Review

5 Any proposed development of the subject property requiring approval through a building  
6 permit, land surface modification permit, and/or demolition permit; or Design Review,  
7 Process I, IIA, IIB, or III, described in Chapters [142](#), 145, 150, 152 and 155 KZC  
8 respectively, shall include a Tree Retention Plan to be considered as part of that process.

9 Based on the Tree Retention Plan information submitted by the applicant and the Planning  
10 Official's evaluation of the trees relative to the proposed development on the subject  
11 property, the Planning Official shall designate each tree as having a high, moderate, or low  
12 Retention Value as defined in KZC 95.10 Definitions, for application towards the regulations  
13 in this Chapter.

14 4. Tree Retention Plan Components

15 The tree retention plan shall contain the following information as specified in the chart in  
16 subsection (5) below, unless waived by the Planning Official:

17 a. A tree inventory containing the following:

- 18 1) A numbering system of all existing significant trees on the subject property (with  
19 corresponding tags on trees); the inventory must also include significant trees on  
20 adjacent property with driplines extending over the subject property line;
- 21 2) Limits of disturbance (LOD) of all existing significant trees (including approximate  
22 LOD of offsite trees with overhanging driplines);
- 23 3) Size (DBH);
- 24 4) Proposed tree status (trees to be removed or retained);
- 25 5) Brief general health or condition rating of these trees (i.e.: poor, fair, good,  
26 excellent, etc.);
- 27 6) Tree type or species;

28  
29 b. A site plan depicting the following:

- 30 1) Location of all proposed improvements, including building footprint, access, utilities,  
31 applicable setbacks, buffers, and required landscaped areas clearly identified. If a  
32 short plat or subdivision is being proposed and the location of all proposed  
33 improvements cannot be established, a phased tree retention plan review is required  
34 as described in subsection (6)(a);
- 35 2) Accurate location of significant trees on the subject property (surveyed locations  
36 may be required). The site plan must also include the approximate trunk location

- 1 and critical root zone of significant trees that are on adjacent property with driplines  
2 extending over the subject property line;
- 3 3) Trees labeled corresponding to the tree inventory numbering system;
- 4 4) Location of tree protection measures;
- 5 5) Indicate limits of disturbance drawn to scale around all trees potentially impacted by  
6 site disturbances resulting from grading, demolition, or construction activities  
7 (including approximate LOD of offsite trees with overhanging driplines);
- 8 6) Proposed tree status (trees to be removed or retained) noted by an 'X' or by  
9 ghosting out;
- 10 7) Proposed locations of any supplemental trees and any required trees in order to  
11 meet tree density or minimum number of trees as outlined in KZC 95.33.
- 12 c. An arborist report containing the following:
- 13 1) A complete description of each tree's health, condition, and viability;
- 14 2) A description of the method(s) used to determine the limits of disturbance (i.e.:  
15 critical root zone, root plate diameter, or a case-by-case basis description for  
16 individual trees);
- 17 3) Any special instructions specifically outlining any work proposed within the limits of  
18 the disturbance protection area (i.e.: hand-digging, tunneling, root pruning, any  
19 grade changes, clearing, monitoring, and aftercare);
- 20 4) For trees not viable for retention, a description of the reason(s) for removal based  
21 on poor health, high risk of failure due to structure, defects, unavoidable isolation  
22 (windfirmness), or unsuitability of species, etc. and for which no reasonable  
23 alternative action is possible must be given (pruning, cabling, etc.);
- 24 5) Describe the impact of necessary tree removal to the remaining trees, including  
25 those in a grove or on adjacent properties;
- 26 6) For development applications, a discussion of timing and installation of tree  
27 protection measures that must include fencing and be in accordance with the tree  
28 protection standards as outlined in KZC 95.34 of this section; and
- 29 7) The suggested location and species of supplemental trees to be used when required.  
30 The report shall include planting and maintenance specifications pursuant to KZC  
31 95.50 and 95.51.
- 32 5. Tree Retention Plan. The applicant shall submit a Tree Retention Plan that includes the  
33 components identified in the following chart based on the proposed development activity.

34

35

**TREE RETENTION PLAN (new chart)**

Development Activity	Minor <sup>(1)(3)</sup> - Single-Family, or two attached, detached, or stacked dwelling	Major <sup>(2)(3)</sup> Single-Family, or two attached, detached, or	Multi-Family, Commercial, any other use other than residential, and	Short Plat, Subdivisions, cottages, carriage units, two/three-
----------------------	---	--	---	--

Required Components	units, and related demolition and land surface modification applications	stacked dwelling units, and related demolition and land surface modification applications	related demolition and land surface modification applications	unit homes, and related demolition and land surface modification applications (see KZC 95.30.6.a - Phased Review for additional standards)
<b>TREE INVENTORY AS DESCRIBED IN KZC 95.30.4.A FOR:</b>				
All significant trees on the subject property		X	X	X
Significant trees potentially impacted by proposed development activity	X			
<b>SITE PLAN AS DESCRIBED IN KZC 95.30.4.B TO INCLUDE:</b>				
Surveyed tree locations if required by the Planning Official		X	X	
Surveyed tree locations				X
A final landscape plan showing retained trees			X	
<b>REQUIREMENTS IN KZC 95.30.4.C SHALL BE PREPARED BY A QUALIFIED PROFESSIONAL AND APPLY TO:</b>				
Significant trees within required yards or within 10 feet of any side property line		X		
Significant trees potentially impacted by proposed development activity as determined by the Planning Official			X	
Proposed removal of trees with a High Retention Value in required landscaping areas			X	
All significant trees				X
<b>TREE RETENTION STANDARDS</b>				
Applicant is encouraged to retain viable trees	X <sup>(4)</sup>			
Retain and protect trees with a High Retention Value to the maximum extent possible		X <sup>(4)</sup>	X <sup>(4)</sup>	X <sup>(4)</sup>
Retain and protect trees with a Moderate Retention Value if feasible		X	X	X

Preservation and maintenance agreements pursuant to KZC 95.51. are required for all remaining trees on the subject property	<b>X</b>	<b>X</b>	<b>X</b>	<b>X<sup>(5)</sup></b>
<b>TREE DENSITY</b>				
Tree density requirements shall apply as required in KZC 95.33		<b>X</b>		<b>X</b>
A minimum of two trees must be on the lot following the requirement set forth in KZC 95.33.4	<b>X</b>			
<b>LANDSCAPING</b>				
Preserved trees in required landscaping areas shall apply toward required landscaping requirements			<b>X</b>	

- 1 (1) Applicable when new development, redevelopment, or development in which the total  
2 square footage of the proposed improvements is less than 50 percent of the total square  
3 footage of the existing improvements on the subject property
- 4 (2) Applicable when new development, redevelopment, or development in which the total  
5 square footage of the proposed improvements is more than 50 percent of the total  
6 square footage of the existing improvements on the subject property
- 7 (3) For lots created through a short subdivision, subdivision, or Planned Unit Development  
8 with an approved Tree Retention Plan, the applicant must comply with the Tree  
9 Retention Plan approved with the short subdivision, subdivision, or Planned Unit  
10 Development unless subsection (6)(a) Phased Review below applies.
- 11 (4) To retain trees with a High Retention Value, the applicant shall pursue, where feasible,  
12 applicable variations in the development standards of this code as outlined in KZC 95.32  
13 of this chapter.
- 14 (5) Prior to short plat or subdivision recording
- 15 6. Additional Tree Retention Plan Standards for Short Plat and Subdivisions
- 16 a. Phased Review.
- 17 1) If during, the short plat or subdivision review process, the location of all proposed  
18 improvements, including the building footprint, utilities, and access was not able to be  
19 established, the applicant may submit a Tree Retention Plan that addresses trees only  
20 affected by the known improvements at the time of application. Tree removal shall be  
21 limited to those affected areas.
- 22 2) A new Tree Retention Plan shall be required at each subsequent phase of the project as  
23 more information about the location of the proposed improvements is known subject to all of  
24 the requirements in KZC 95.30.

- 1 b. Modifications to Tree Retention Plan for Short Plats and Subdivisions. A Tree Retention Plan  
2 modification request shall contain information as determined by the Planning Official based on  
3 the requirements in KZC 95.30.5 Tree Retention Plan. The fee for processing a modification  
4 request shall be established by City ordinance.

5 For Tree Retention Plans approved during the short plat or subdivision review process that  
6 established the location of all proposed improvements, including the building footprint, utilities,  
7 and access, a modification to the Tree Retention Plan may be approved as follows:

- 8 1) Modification - General. The Planning Official may approve minor modifications to the  
9 approved Tree Retention Plan in which the minimum tree density credits associated with  
10 trees identified for retention are not decreased.

- 11 2) Modification Prior to Tree Removal. The Planning Official may approve a modification  
12 request to decrease the minimum number of tree density credits associated with trees  
13 previously identified for retention if:

14 a) Trees inventoried in the original Tree Retention Plan have not yet been removed; and

15 b) The Planning Official shall not approve or deny a modification pursuant to this section  
16 without first providing notice of the modification request consistent with the noticing  
17 requirements for the short plat.

- 18 3) Modification after Tree Removal. A modification request is required to decrease the  
19 minimum number of tree density credits associated with trees previously identified for  
20 retention after which trees inventoried in the original Tree Retention Plan have already been  
21 removed. Such a request may be approved by the Hearing Examiner only if the following are  
22 met:

23 a) The need for the modification was not known and could not reasonably have been known  
24 before the tree retention plan was approved;

25 b) The modification is necessary because of special circumstances which are not the result  
26 of actions by the applicant regarding the size, shape, topography, or other physical  
27 limitations of the subject property relative to the location of proposed and/or existing  
28 improvements on or adjacent to the subject property;

29 c) There is no practicable or feasible alternative development proposal that results in fewer  
30 additional tree removals;

31 d) The Hearing Examiner shall not approve or deny a modification pursuant to this section  
32 without the Planning Official first providing notice of the modification request consistent  
33 with the noticing requirements for the short plat and providing opportunity for comments  
34 for consideration by the Hearing Examiner; and

35 e) Said comment period shall not be less than fourteen calendar days.

36 **95.32 - Incentives and Variations to Development Standards**

1 In order to retain trees, the applicant should pursue provisions in Kirkland's codes that allow  
2 development standards to be modified. Examples include but are not limited to number of  
3 parking stalls, right-of-way improvements, lot size reduction under Chapter 22.28 KMC, lot line  
4 placement when subdividing property under KMC Title 22, Planned Unit Developments, and  
5 required landscaping, including buffers for lands use and parking/driving areas.

6 Requirements of the Kirkland Zoning Code may be modified by the Planning Official as outlined  
7 below when such modifications would further the purpose and intent of this chapter as set forth  
8 in KZC [95.05](#) and would involve trees with a High Retention Value.

9 1. Common Recreational Open Space. Reductions or variations of the area, width, or  
10 composition of required common recreational open space, may be granted.

11 2. Parking Areas and Access. Variations in parking lot design and/or access driveway  
12 requirements may be granted when the Public Works and Planning Officials both determine  
13 the variations to be consistent with the intent of City policies and codes.

14 3. Required Yards. Initially, the applicant shall pursue options for placement of required yards  
15 as permitted by other sections of this code, such as selecting one front required yard in the  
16 RSX zone and adjusting side yards in any zone to meet the 15-foot total as needed for each  
17 structure on the site. The Planning Official may also reduce the front or side required yards  
18 provided that:

19 a. No required side yard shall be less than five feet; and

20 b. The required front yard shall not be reduced by more than five feet in residential zones.  
21 There shall not be an additional five feet of reduction beyond the allowance provided for  
22 covered entry porches.

23 4. Stormwater. Requirements pertaining to stormwater may be varied if approved by the Public  
24 Works Official under KMC 15.52.060.

25 5. Additional Variations. In addition to the variations described above and the minimum tree  
26 density requirements in KZC 95.33 below, the Planning Official is authorized to require site  
27 plan alterations to retain trees with a High Retention Value. Such alterations include minor  
28 adjustments to the location of building footprints, adjustments to the location of driveways  
29 and access ways, or adjustment to the location of walkways, easements or utilities. The  
30 Planning Official and the applicant shall work in good faith to find reasonable solutions.

31  
32  
33 **95.33 - Tree Density Requirement**

34 The required minimum tree density is 30 tree credits per acre for single-family, duplex (includes  
35 detached units), short plats, and/or subdivisions and associated demolition and land surface  
36 modification. For individual lots in a short subdivision or subdivision with an approved Tree  
37 Retention Plan, the tree density shall be calculated for each lot within the short plat or

1 subdivision. The tree density may consist of existing trees pursuant to the priority established in  
 2 KZC 95.30.2, or supplemental trees or a combination of existing and supplemental trees  
 3 pursuant to subsection (2) of this section. Existing trees transplanted to an area on the same  
 4 site shall not count toward the required density unless approved by the Urban Forester based  
 5 on transplant specifications provided by a qualified professional that will ensure a good  
 6 probability for survival.

7 1. Tree Density Calculation. For the purpose of calculating required minimum tree density,  
 8 public right-of-way, areas to be dedicated as public right-of-way, and vehicular access  
 9 easements not included as lot area with the approved short plat shall be excluded from the  
 10 area used for calculation of tree density.

11 Tree density calculation for existing individual trees:

- 12 a. Diameter breast height (DBH) of the tree shall be measured in inches.
- 13 b. The tree credit value that corresponds with DBH shall be found in Table 95.33.1.

**Table 95.33.1**

**Tree Density for Existing Significant Trees**

**(Credits per minimum diameter – DBH)**

DBH	Tree Credits	DBH	Tree Credits	DBH	Tree Credits
3 – 5"	0.5				
6 – 10"	1	24"	8	38"	15
12"	2	26"	9	40"	16
14"	3	28"	10	42"	17
16"	4	30"	11	44"	18
18"	5	32"	12	46"	19
20"	6	34"	13	48"	20
22"	7	36"	14	50"	21

14 Example: a 7,200-square-foot lot would need five tree credits ( $7,200/43,560 = 0.165 \times$   
 15  $30 = 4.9$ ) or five). The density for the lot could be met with one existing 16-inch tree  
 16 and one existing six-inch tree on-site.

17 2. Supplemental Trees Planted to Meet Minimum Density Requirement. For sites and activities  
 18 requiring a minimum tree density and where the existing trees to be retained do not meet  
 19 the minimum tree density requirement, supplemental trees shall be planted to achieve the  
 20 required minimum tree density.

21 3. Tree Location. In designing a development and in meeting the required minimum tree  
 22 density the trees shall be planted in the following order of priority:

- 1 a. On-Site. The preferred locations for new trees are:
    - 2 1) In preserved groves, critical areas or their buffers.
    - 3 2) Adjacent to stormwater facilities as approved by Public Works under KMC 15.52.060.
    - 4 3) Entrance landscaping, traffic islands and other common areas in residential  
5 subdivisions.
    - 6 4) Site perimeter– The area of the subject property that is within 10 feet from the  
7 property line.
    - 8 5) On individual residential building lots.
  - 9 b. Off-Site. When room is unavailable for planting the required trees on-site, then they may  
10 be planted at another approved location in the City.
  - 11 c. City Forestry Account. When the Planning Official determines on-site and off-site  
12 locations are unavailable, then the applicant shall pay an amount of money  
13 approximating the current market value of the supplemental trees into the City forestry  
14 account.
- 15 4. Minimum Size and Tree Density Value for Supplemental Trees. The required minimum size  
16 of the supplemental tree worth one tree credit shall be six feet tall for a conifer and two-  
17 inch caliper for deciduous or broad-leaf evergreen tree. Additional credits may be awarded  
18 for larger supplemental trees. The installation and maintenance shall be pursuant to KZC  
19 [95.50](#) and [95.51](#) respectively.

#### 20 **95.34 - Tree Protection during Development Activity**

21 Prior to development activity or initiating tree removal on the site, vegetated areas and  
22 individual trees to be preserved shall be protected from potentially damaging activities pursuant  
23 to the following standards:

- 24 1. Placing Materials near Trees. No person may conduct any activity within the protected area  
25 of any tree designated to remain, including, but not limited to, operating or parking  
26 equipment, placing solvents, storing building material or soil deposits, or dumping concrete  
27 washout or other chemicals. During construction, no person shall attach any object to any  
28 tree designated for protection.
- 29 2. Protective Barrier. Before development, land clearing, filling or any land alteration, the  
30 applicant shall:
  - 31 a. Erect and maintain readily visible temporary protective tree fencing along the limits of  
32 disturbance which completely surrounds the protected area of all retained trees or  
33 groups of trees. Fences shall be constructed of chain link and be at least six feet high,  
34 unless other type of fencing is authorized by the Planning Official.

- 1 b. Install highly visible signs spaced no further than 15 feet along the entirety of the  
2 protective tree fence. Said sign must be approved by the Planning Official and shall state  
3 at a minimum "Tree Protection Area, Entrance Prohibited" and provide the City phone  
4 number for code enforcement to report violations.
- 5 c. Prohibit excavation or compaction of earth or other potentially damaging activities within  
6 the barriers; provided, that the Planning Official may allow such activities approved by a  
7 qualified professional and under the supervision of a qualified professional retained and  
8 paid for by the applicant.
- 9 d. Maintain the protective barriers in place for the duration of the project until the Planning  
10 Official authorizes their removal.
- 11 e. Ensure that any approved landscaping done in the protected zone subsequent to the  
12 removal of the barriers shall be accomplished with light machinery or hand labor.
- 13 f. In addition to the above, the Planning Official may require the following:
- 14 1) If equipment is authorized to operate within the critical root zone, cover the areas  
15 adjoining the critical root zone of a tree with mulch to a depth of at least six inches  
16 or with plywood or similar material in order to protect roots from damage caused by  
17 heavy equipment.
- 18 2) Minimize root damage by excavating a two-foot-deep trench, at edge of critical root  
19 zone, to cleanly sever the roots of trees to be retained.
- 20 3) Corrective pruning performed on protected trees in order to avoid damage from  
21 machinery or building activity.
- 22 4) Maintenance of trees throughout construction period by watering and fertilizing.
- 23 3. Grade.
- 24 a. The grade shall not be elevated or reduced within the critical root zone of trees to be  
25 preserved without the Planning Official's authorization based on recommendations from  
26 a qualified professional. The Planning Official may allow coverage of up to one half of  
27 the area of the tree's critical root zone with light soils (no clay) to the minimum depth  
28 necessary to carry out grading or landscaping plans, if it will not imperil the survival of  
29 the tree. Aeration devices may be required to ensure the tree's survival.
- 30 b. If the grade adjacent to a preserved tree is raised such that it could slough or erode into  
31 the tree's critical root zone, it shall be permanently stabilized to prevent suffocation of  
32 the roots.
- 33 c. The applicant shall not install an impervious surface within the critical root zone of any  
34 tree to be retained without the authorization of the Planning Official. The Planning  
35 Official may require specific construction methods and/or use of aeration devices to

1 ensure the tree's survival and to minimize the potential for root-induced damage to the  
2 impervious surface.

3 d. To the greatest extent practical, utility trenches shall be located outside of the critical  
4 root zone of trees to be retained. The Planning Official may require that utilities be  
5 tunneled under the roots of trees to be retained if the Planning Official determines that  
6 trenching would significantly reduce the chances of the tree's survival.

7 e. Trees and other vegetation to be retained shall be protected from erosion and  
8 sedimentation. Clearing operations shall be conducted so as to expose the smallest  
9 practical area of soil to erosion for the least possible time. To control erosion, it is  
10 encouraged that shrubs, ground cover and stumps be maintained on the individual lots,  
11 where feasible.

12 4. Directional Felling. Directional felling of trees shall be used to avoid damage to trees  
13 designated for retention.

14 5. Additional Requirements. The Planning Official may require additional tree protection  
15 measures that are consistent with accepted urban forestry industry practices.

#### 16 **95.40 Required Landscaping**

17 1. User Guide. Chapters [15](#) through 60 KZC containing the use zone charts assign a  
18 landscaping category to each use in each zone. This category is either "A," "B," "C," "D," or  
19 "E." If you do not know which landscaping category applies to the subject property, you  
20 should consult the appropriate use zone chart.

21 Requirements pertaining to each landscaping category are located throughout this chapter,  
22 except that Landscaping Category E is not subject to this section.

23 Landscape Categories A, B, C, D, and E may be subject to additional related requirements in  
24 the following other chapters:

25 a. Various use zone charts, in Chapters [15](#) through 60 KZC, establish additional or special  
26 buffering requirements for some uses in some zones.

27 b. Chapter [85](#) KZC, Geologically Hazardous Areas, addresses the retention of vegetation on  
28 steep slopes.

29 c. Chapter [90](#) KZC, Drainage Basins, addresses vegetation within sensitive areas and  
30 sensitive area buffers.

31 d. Chapter [110](#) KZC and Chapter 19.36 KMC address vegetation within rights-of-way,  
32 except for the I-405, SR-520, and Burlington Northern rights-of-way.

33 e. KZC [115.135](#), Sight Distance at Intersections, which may limit the placement of  
34 landscaping in some areas.

35 f. Chapter 22 KMC addresses trees in subdivisions.

1 2. Use of Significant Existing Vegetation.

2 a. General. The applicant shall apply subsection KZC 95.30.2-Tree Retention Plan Review  
3 Procedure and KZC 95.32-Incentives and Variations to Development Standards to retain  
4 existing trees and vegetation in areas subject to the landscaping standards of this  
5 section. The Planning Official shall give substantial weight to the retained trees and  
6 vegetation when determining the applicant's compliance with this section.

7 b. Supplement. The City may require the applicant to plant trees, shrubs, and groundcover  
8 according to the requirements of this section to supplement the existing vegetation in  
9 order to provide a buffer at least as effective as the required buffer.

10 c. Protection Techniques. The applicant shall use the protection techniques described in  
11 KZC [95.34](#) to ensure the protection of significant existing vegetation.

12 3. Landscape Plan Required. In addition to the Tree Retention Plan required pursuant to KZC  
13 95.30, application materials shall clearly depict the quantity, location, species, and size of  
14 plant materials proposed to comply with the requirements of this section, and shall address  
15 the plant installation and maintenance requirements set forth in KZC [95.50](#) and [95.51](#). Plant  
16 materials shall be identified with both their scientific and common names. Any required  
17 irrigation system must also be shown.

18 **95.41 Supplemental Plantings.**

19 1. General. The applicant shall provide the supplemental landscaping specified in  
20 subsection (2) of this section in any area of the subject property that:

21 a. Is not covered with a building, vehicle circulation area or other improvement; and

22 b. Is not a critical area, critical area buffer, or in an area to be planted with required  
23 landscaping; and

24 c. Is not committed to and being used for some specific purpose.

25 2. Standards. The applicant shall provide the following at a minimum:

26 a. Living plant material which will cover 80 percent of the area to be landscaped within  
27 two years. If the material to be used does not spread over time, the applicant shall  
28 re-plant the entire area involved immediately. Any area that will not be covered with  
29 living plant material must be covered with nonliving groundcover.

30 b. One tree for each 1,000 square feet of area to be landscaped. At the time of  
31 planting, deciduous trees must be at least two inches in caliper and coniferous trees  
32 must be at least five feet in height.

33 c. If a development requires approval through Process I, IIA, IIB or III as described in  
34 Chapters [145](#), 150, 152 and 155 KZC, respectively, the City may require additional  
35 vegetation to be planted along a building facade if:

- 1) The building facade is more than 25 feet high or more than 50 feet long; or
- 2) Additional landscaping is necessary to provide a visual break in the facade.
- d. In RHBD varieties of rose shrubs or ground cover along with other plant materials shall be included in the on-site landscaping.
- e. If development is subject to Design Review as described in Chapter 142, the City will review plant choice and specific plant location as part of the Design Review approval. The City may also require or permit modification to the required plant size as part of Design Review approval.

**95.42 Minimum Land Use Buffer Requirements.**

The applicant shall comply with the provisions specified in the following chart and with all other applicable provisions of this chapter. Land use buffer requirements may apply to the subject property, depending on what permitted use exists on the adjoining property or, if no permitted use exists, depending on the zone that the adjoining property is in.

LANDSCAPING CATEGORY ↓	ADJOINING PROPERTY	<b>*Public park or low density residential use or if no permitted use exists on the adjoining property then a low density zone.</b>	<b>Medium or high density residential use or if no permitted use exists on the adjoining property then a medium density or high density zone.</b>	<b>Institutional or office use or if no permitted use exists on the adjoining property then an institutional or office zone.</b>	<b>A commercial use or an industrial use or if no permitted use exists on the adjoining property then a commercial or industrial zone.</b>
	↓				
A		Must comply with KZC subsection (1) (Buffering Standard 1)	Must comply with KZC subsection (1) (Buffering Standard 1)	Must comply with subsection (2) (Buffering Standard 2)	
B		Must comply with KZC subsection (1) (Buffering Standard 1)	Must comply with KZC subsection (1) (Buffering Standard 1)		
C		Must comply with KZC subsection (1) (Buffering Standard 1)	Must comply with KZC subsection (2) (Buffering Standard 2)		
D		Must comply			

	with KZC subsection (2) (Buffering Standard 2)			
E				
<b>Footnotes:</b>	*If the adjoining property is zoned Central Business District, Juanita Business District, North Rose Hill Business District, Rose Hill Business District, Totem Center or is located in TL 5, this section, KZC 95.42 does not apply.			

- 1 This chart establishes which buffering standard applies in a particular case. The following  
2 subsections establish the specific requirement for each standard:
- 3 1. For standard 1, the applicant shall provide a 15-foot-wide landscaped strip with a six-foot-  
4 high solid screening fence or wall. Except for public utilities, the fence or wall must be  
5 placed on the outside edge of the land use buffer or on the property line when adjacent to  
6 private property. For public utilities, the fence or wall may be placed either on the outside or  
7 inside edge of the landscaping strip. A fence or wall is not required when the land use  
8 buffer is adjacent and parallel to a public right-of-way that is improved for vehicular use.  
9 See KZC [115.40](#) for additional fence standards. The land use buffer must be planted as  
10 follows:
- 11 a. Trees planted at the rate of one tree per 20 linear feet of land use buffer, with  
12 deciduous trees of two and one-half inch caliper, minimum, and/or coniferous trees  
13 eight feet in height, minimum. At least 70 percent of trees shall be evergreen. The trees  
14 shall be distributed evenly throughout the buffer, spaced no more than 20 feet apart on  
15 center.
- 16 b. Large shrubs or a mix of shrubs planted to attain coverage of at least 60 percent of the  
17 land use buffer area within two years, planted at the following sizes and spacing,  
18 depending on type:
- 19 1) Low shrub – (mature size under three feet tall), one- or two-gallon pot or balled and  
20 burlapped equivalent);
- 21 2) Medium shrub – (mature size from three to six feet tall), two- or three-gallon pot or  
22 balled and burlapped equivalent);
- 23 3) Large shrub – (mature size over six feet tall), five-gallon pot or balled and burlapped  
24 equivalent).
- 25 c. Living ground covers planted from either four-inch pot with 12-inch spacing or one-  
26 gallon pot with 18-inch spacing to cover within two years 60 percent of the land use  
27 buffer not needed for viability of the shrubs or trees.
- 28 2. For standard 2, the applicant shall provide a five-foot-wide landscaped strip with a six-foot-  
29 high solid screening fence or wall. Except for public utilities, the fence or wall must be

1 placed on the outside edge of the land use buffer or on the property line when adjacent to  
2 private property. For public utilities, the fence or wall may be placed either on the outside or  
3 inside edge of the landscaping strip. A fence or wall is not required when the land use  
4 buffer is adjacent and parallel to a public right-of-way that is improved for vehicular use.  
5 See KZC [115.40](#) for additional fence standards. The landscaped strip must be planted as  
6 follows:

7 a. One row of trees planted no more than 10 feet apart on center along the entire length  
8 of the buffer, with deciduous trees of two inch caliper, minimum, and/or coniferous  
9 trees at least six feet in height, minimum. At least 50 percent of the required trees shall  
10 be evergreen.

11 b. Living ground covers planted from either four-inch pot with 12-inch spacing or one-  
12 gallon pot with 18-inch spacing to cover within two years 60 percent of the land use  
13 buffer not needed for viability of the trees.

14 3. Plant Standards. All plant materials used shall meet the most recent American Association of  
15 Nurserymen Standards for nursery stock: ANSI Z60.1.

16 4. Location of the Land Use Buffer. The applicant shall provide the required buffer along the  
17 entire common border between the subject property and the adjoining property.

18 5. Multiple Buffering Requirement. If the subject property borders more than one adjoining  
19 property along the same property line, the applicant shall provide a gradual transition  
20 between different land use buffers. This transition must occur totally within the area which  
21 has the less stringent buffering requirement. The specific design of the transition must be  
22 approved by the City.

23 6. Adjoining Property Containing Several Uses. If the adjoining property contains several  
24 permitted uses, the applicant may provide the least stringent land use buffer required for  
25 any of these uses.

26 7. Subject Property Containing Several Uses. If the subject property contains more than one  
27 use, the applicant shall comply with the land use buffering requirement that pertains to the  
28 use within the most stringent landscaping category that abuts the property to be buffered.

29 8. Subject Property Containing School. If the subject property is occupied by a school, land use  
30 buffers are not required along property lines adjacent to a street.

31 9. Encroachment into Land Use Buffer. Typical incidental extensions of structures such as  
32 chimneys, bay windows, greenhouse windows, cornices, eaves, awnings, and canopies may  
33 be permitted in land use buffers as set forth in KZC [115.115\(3\)\(d\)](#); provided, that:

34 a. Buffer planting standards are met; and

35 b. Required plantings will be able to attain full size and form typical to their species.

36 **95.43 Outdoor Use, Activity, and Storage**

1 Outdoor use, activity, and storage (KZC [115.105\(2\)](#)) must comply with required land use buffers  
2 for the primary use, except that the following outdoor uses and activities, when located in  
3 commercial or industrial zones, are exempt from KZC [115.105\(2\)\(c\)\(1\)](#) and [\(2\)\(c\)\(2\)](#) as stated  
4 below:

- 5 1. That portion of an outdoor use, activity, or storage area which abuts another outdoor use,  
6 activity, or storage area which is located on property zoned for commercial or industrial use.
- 7 2. Outdoor use, activity, and storage areas which are located adjacent to a fence or structure  
8 which is a minimum of six feet above finished grade; and do not extend outward from the  
9 fence or structure more than five feet; provided, that the total horizontal dimensions of  
10 these areas shall not exceed 50 percent of the length of the facade or fence (see Plate 11).
- 11 3. If there is an improved path or sidewalk in front of the outdoor storage area, the outdoor  
12 use, activity or storage area may extend beyond five feet if a clearly defined walking path at  
13 least three feet in width is maintained and there is adequate pedestrian access to and from  
14 the primary use. The total horizontal dimension of these areas shall not exceed 50 percent  
15 of the length of the facade of the structure or fence (see Plate 11).
- 16 4. Outdoor dining areas.
- 17 5. That portion of an outdoor display of vehicles for sale or lease which is adjacent to a public  
18 right-of-way that is improved for vehicular use; provided, that it meets the buffering  
19 standards for driving and parking areas in KZC 95.45.1; and provided further, that the  
20 exemptions of KZC 95.45.2 do not apply unless it is fully enclosed within or under a  
21 building, or is on top of a building and is at least one story above finished grade.
- 22 6. Outdoor Christmas tree lots and fireworks stands if these uses will not exceed 30 days, and  
23 outdoor amusement rides, carnivals and circuses, and parking lot sales which are ancillary  
24 to the indoor sale of the same goods and services, if these uses will not exceed seven days.

#### 25 **95.44 Internal Parking Lot Landscaping Requirements**

26 The following internal parking lot landscape standards apply to each parking lot or portion  
27 thereof containing more than eight parking stalls.

- 28 1. The parking lot must contain 25 square feet of landscaped area per parking stall planted as  
29 follows;
  - 30 a. The applicant shall arrange the required landscaping throughout the parking lot to  
31 provide landscape islands or peninsulas to separate groups of parking spaces (generally  
32 every eight stalls) from one another and each row of spaces from any adjacent driveway  
33 that runs perpendicular to the row. This island or peninsula must be surrounded by a  
34 six-inch-high vertical curb, be of similar dimensions as the adjacent parking stalls.
  - 35 b. Landscaping shall be installed pursuant to the following standards:

- 1           1) At least one deciduous tree, two inches in caliper or a coniferous tree five feet in  
2           height.
- 3           2) Groundcover shall be selected and planted to achieve 60 percent coverage within  
4           two years.
- 5           c. Exception. The requirements of this subsection do not apply to any area that is fully  
6           enclosed within or under a building.
- 7   2. Rooftop Parking Landscaping. For a driving or parking area on the top level of a structure  
8   that is not within the CBD zone or within any zone that requires design regulation  
9   compliance, one planter that is 30 inches deep and five feet square must be provided for  
10   every eight stalls on the top level of the structure. Each planter must contain a small tree or  
11   large shrub suited to the size of the container and the specific site conditions, including  
12   desiccating winds, and is clustered with other planters near driving ramps or stairways to  
13   maximize visual effect.
- 14   3. If development is subject to Design Review as described in Chapter [142](#) KZC, the City will  
15   review the parking area design, plant choice and specific plant location as part of the Design  
16   Review approval. The City may also require or permit modification to the required  
17   landscaping and design of the parking area as part of Design Review approval.

18   **95.45. Perimeter Landscape Buffering for Driving and Parking Areas.**

- 19   1. Perimeter Buffering – General. Except as specified in subsection (2) of this section, the  
20   applicant shall buffer all parking areas and driveways from abutting rights-of-way and from  
21   adjacent property with a five-foot-wide strip along the perimeter of the parking areas and  
22   driveways planted as follows (see Figure 95.40.A):
- 23   a. One row of trees, two inches in caliper and planted 30 feet on center along the entire  
24   length of the strip.
- 25   b. Living groundcover planted to attain coverage of at least 60 percent of the strip area  
26   within two years.
- 27   2. Exception. The requirements of this section do not apply to any parking area that:
- 28   a. Is fully enclosed within or under a building; or
- 29   b. Is on top of a building and is at least one story above finished grade; or
- 30   c. Serves detached dwelling units exclusively; or
- 31   d. Is within any zone that requires design regulation compliance. See below for Design  
32   District requirements.
- 33   3. Design Districts. If subject to design review, each side of a parking lot that abuts a street,  
34   through-block pathway or public park must be screened from that street, through-block

1 pathway or public park by using one or a combination of the following methods (see Figures  
2 95.40.A, B, and C):

3 a. By providing a landscape strip at least five feet wide planted consistent with KZC  
4 95.45.1, or in combination with the following. In the RHBD Regional Center a 10-foot  
5 perimeter landscape strip along NE 85th Street is required planted consistent with  
6 subsection (1) of this section.

7 b. The hedge or wall must extend at least two feet, six inches, and not more than three  
8 feet above the ground directly below it.

9 c. The wall may be constructed of masonry or concrete, if consistent with the provisions of  
10 KZC [92.35\(1\)\(g\)](#), in building material, color and detail, or of wood if the design and  
11 materials match the building on the subject property.

12 d. In JBD zones:

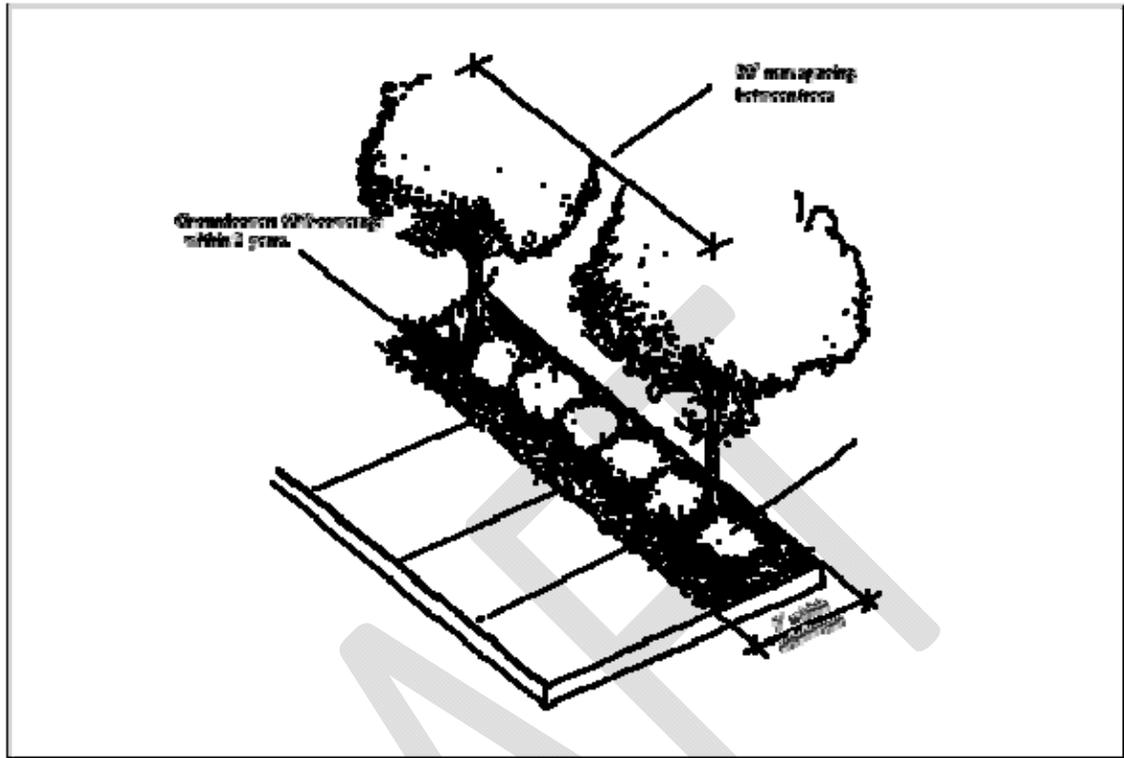
13 1) If the street is a pedestrian-oriented street, the wall may also include a continuous  
14 trellis or grillwork, at least five feet in height above the ground, placed on top of or  
15 in front of the wall and planted with climbing vines. The trellis or grillwork may be  
16 constructed of masonry, steel, cast iron and/or wood.

17 2) If the wall abuts a pedestrian-oriented street, the requirements of this subsection  
18 may be fulfilled by providing pedestrian weather protection along at least 80 percent  
19 of the frontage of the subject property.

20 e. If development is subject to Design Review as described in Chapter [142](#) KZC, the City  
21 will review plant choice and specific plant location as part of the Design Review  
22 approval. The City may also require or permit modification to the required plant size as  
23 part of Design Review approval.

24 4. Overlapping Requirements. If buffering is required in KZC 95.42, Land Use Buffering  
25 Standards, and by this subsection, the applicant shall utilize the more stringent buffering  
26 requirement.

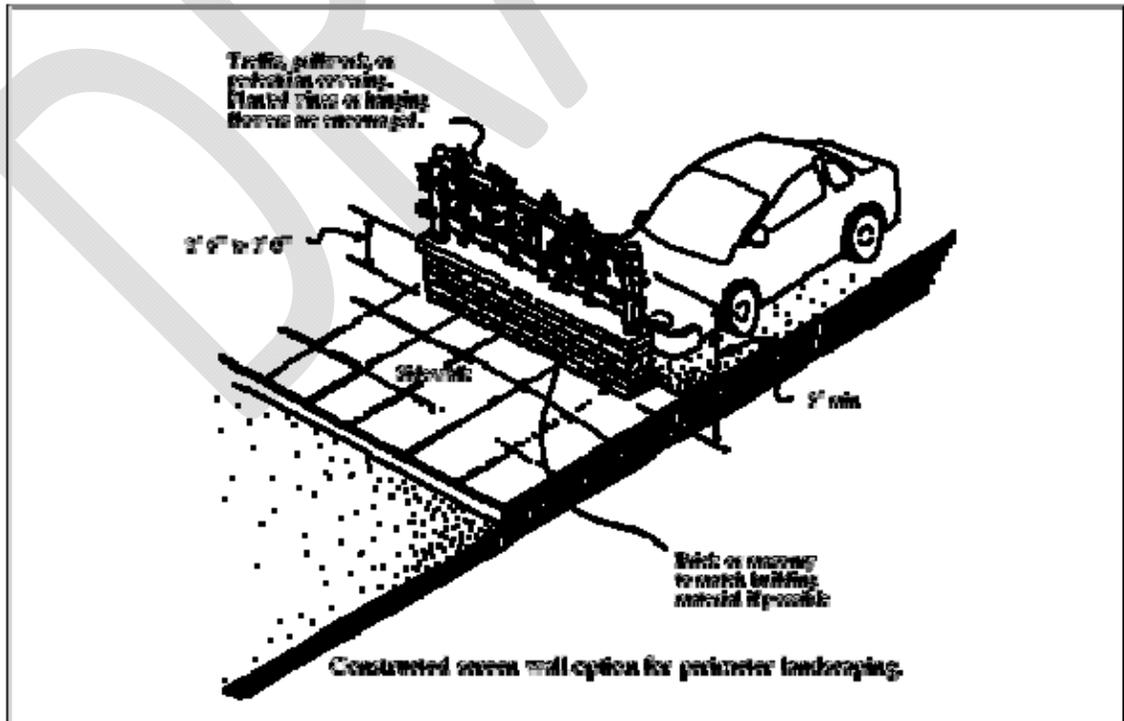
27  
28  
29  
30  
31  
32 **Perimeter Parking Lot Landscaping**



1  
2  
3

FIGURE 95.40.A

Perimeter Parking – Examples of Various Screen Wall Designs

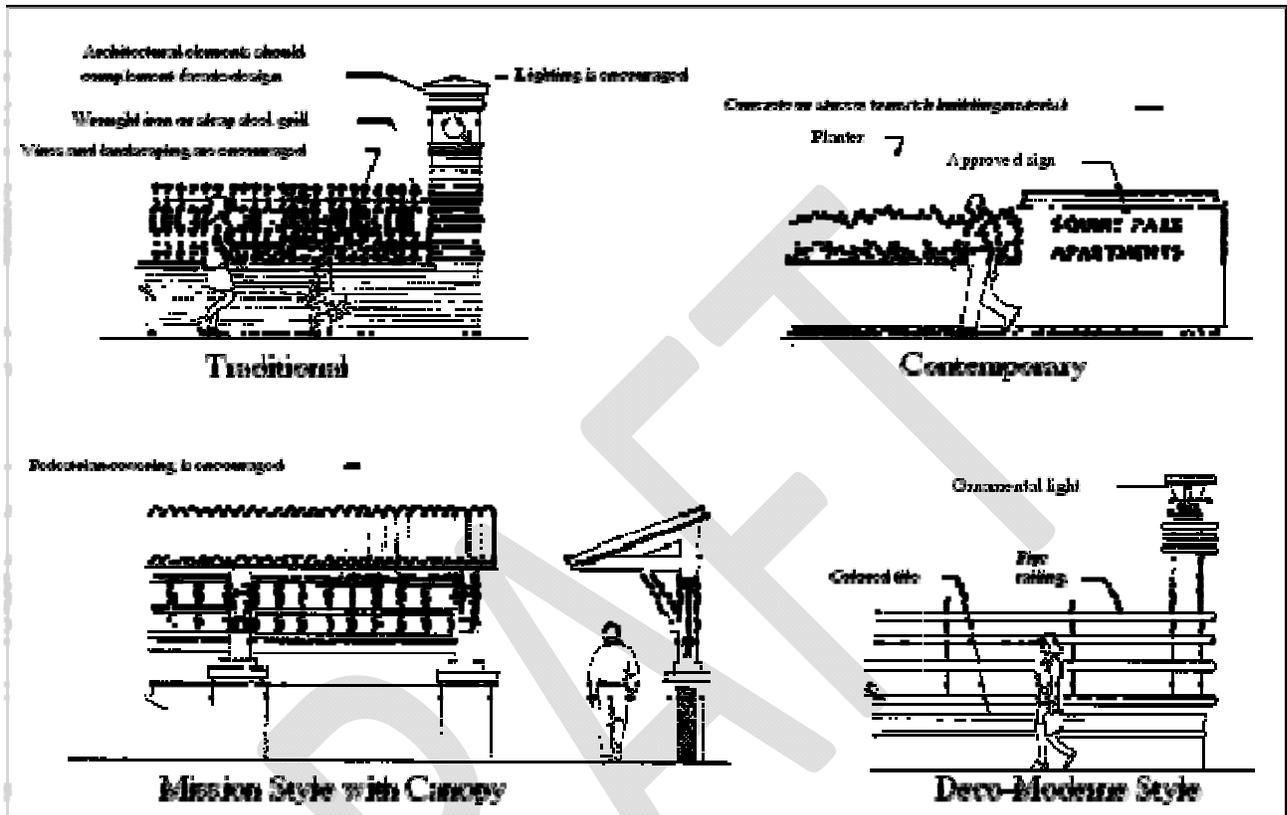


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FIGURE 95.40.B

Perimeter Parking – Examples of Various Screen Wall Designs



3  
4

FIGURE 95.40.C

95.46 Modifications to Landscaping Standards.

1. Modification to Land Use Buffer Requirements. The applicant may request a modification of the requirements of the buffering standards in KZC 95.42. The Planning Official may approve a modification if:
  - a. The owner of the adjoining property agrees to this in writing; and
  - b. The existing topography or other characteristics of the subject property or the adjoining property, or the distance of development from the neighboring property decreases or eliminates the need for buffering; or
  - c. The modification will be more beneficial to the adjoining property than the required buffer by causing less impairment of view or sunlight; or

13  
14

- 1 d. The Planning Official determines that it is reasonable to anticipate that the adjoining  
2 property will be redeveloped in the foreseeable future to a use that would require no, or  
3 a less intensive, buffer; or
- 4 e. The location of pre-existing improvements on the adjoining site eliminates the need or  
5 benefit of the required landscape buffer.

6

7 2. Modifications to General Landscaping Requirements

- 8 a. Authority to Grant and Duration. If the proposed development of the subject property  
9 requires approval through Design Review or Process I, IIA, IIB, or III, described in  
10 Chapters [142](#), 145, 150, 152, and 155 KZC, respectively, a request for a modification will  
11 be considered as part of that process under the provisions of this section. The City must  
12 find that the applicant meets the applicable criteria listed in subsections (2)(b) and  
13 (2)(c) of this section. If granted under Design Review or Process I, IIA, IIB, or III, the  
14 modification is binding on the City for all development permits issued for that  
15 development under the building code within five years of the granting of the  
16 modification.

17 If the above does not apply, the Planning Official may grant a modification in writing  
18 under the provisions of this section.

- 19 b. Internal parking lot landscaping Modifications. For a modification to the internal parking  
20 lot landscaping requirements in KZC 95.44, the landscape requirements may be modified  
21 if:

- 22 1) The modification will produce a landscaping design in the parking area comparable  
23 or superior to that which would result from adherence to the adopted standard; or
- 24 2) The modification will result in increased retention of significant existing vegetation;  
25 or
- 26 3) The purpose of the modification is to accommodate low impact development  
27 techniques as approved by the Planning Official.

- 28 c. Perimeter parking lot and driveway landscaping. For a modification to the perimeter  
29 landscaping for parking lots and driveways, the buffering requirements for parking areas  
30 and driveways may be modified if:

- 31 1) The existing topography of or adjacent to the subject property decreases or  
32 eliminates the need for visual screening; or
- 33 2) The modification will be of more benefit to the adjoining property by causing less  
34 impairment of view or sunlight; or
- 35 3) The modification will provide a visual screen that is comparable or superior to the  
36 buffer required by KZC 95.45; or

- 1 4) The modification eliminates the portion of the buffer that would divide a shared  
2 parking area serving two or more adjacent uses, but provides the buffer around the  
3 perimeter of the shared parking area.

4  
5  
6 **95.47 Nonconforming Landscaping and Buffers.**

- 7 1. The landscaping requirements of KZC 95.41 Supplemental Plantings, KZC 95.43 Outdoor  
8 Use and Storage, KZC 95.44 Internal Parking Lot Landscaping, and KZC 95.45 Perimeter  
9 Landscape Buffering for Driving and Parking Areas of this section must be brought into  
10 conformance as much as is feasible, based on available land area, in either of the following  
11 situations:

- 12 a. An increase of at least 10 percent in gross floor area of any structure; or  
13 b. An alteration to any structure, the cost of which exceeds 50 percent of the replacement  
14 cost of the structure.

- 15 2. Land use buffers must be brought into conformance with KZC 95.42 in either of the  
16 following situations:

- 17 a. An increase in gross floor area of any structure (the requirement to provide conforming  
18 buffers applies only where new gross floor area impacts adjoining property); or  
19 b. A change in use on the subject property and the new use requires larger buffers than  
20 the former use.

21 **95.50 Installation Standards for Required Plantings**

22 All required trees and landscaping shall be installed according to sound horticultural practices in  
23 a manner designed to encourage quick establishment and healthy plant growth. All required  
24 landscaping shall be installed in the ground and not in above-ground containers, except for  
25 landscaping required on the top floor of a structure.

26 When an applicant proposes to locate a subterranean structure under required landscaping that  
27 appears to be at grade, the applicant will: (1) provide site-specific documentation prepared by a  
28 qualified expert to establish that the design will adequately support the long-term viability of  
29 the required landscaping; and (2) enter into an agreement with the City, in a form acceptable  
30 to the City Attorney, indemnifying the City from any damage resulting from development  
31 activity on the subject property which is related to the physical condition of the property. The  
32 applicant shall record this agreement with the King County Department of Elections and  
33 Records.

- 34 1. Compliance. It is the applicant's responsibility to show that the proposed landscaping  
35 complies with the regulations of this chapter.

- 1 2. Timing. All landscaping shall be installed prior to the issuance of a certificate of occupancy,  
2 except that the installation of any required tree or landscaping may be deferred during the  
3 summer months to the next planting season, but never for more than six months. Deferred  
4 installation shall be secured with a performance bond pursuant to Chapter [175](#) KZC prior to  
5 the issuance of a certificate of occupancy.
- 6 3. Grading. Berms shall not exceed a slope of two horizontal feet to one vertical foot (2:1).
- 7 4. Soil Specifications. Soils in planting areas shall have adequate porosity to allow root growth.  
8 Soils which have been compacted to a density greater than one and three-tenths grams per  
9 cubic centimeters shall be loosened to increase aeration to a minimum depth of 24 inches or  
10 to the depth of the largest plant root ball, whichever is greater. Imported topsoils shall be  
11 tilled into existing soils to prevent a distinct soil interface from forming. After soil  
12 preparation is completed, motorized vehicles shall be kept off to prevent excessive  
13 compaction and underground pipe damage. The organic content of soils in any landscape  
14 area shall be as necessary to provide adequate nutrient and moisture-retention levels for  
15 the establishment of plantings. See subsection (9) of this section for mulch requirements.
- 16 5. Plant Selection.
  - 17 a. Plant selection shall be consistent with the Kirkland Plant List, which is produced by the  
18 City's Natural Resource Management Team and available in the Department of Planning  
19 and Community Development.
  - 20 b. Plants shall be selected and sited to produce a hardy and drought-resistant landscape  
21 area. Selection shall consider soil type and depth, the amount of maintenance required,  
22 spacing, exposure to sun and wind, the slope and contours of the site, and compatibility  
23 with existing native vegetation preserved on the site. Preservation of existing vegetation  
24 is strongly encouraged.
  - 25 c. Prohibited Materials. Plants listed as prohibited in the Kirkland Plant List are prohibited in  
26 required landscape areas. Additionally, there are other plants that may not be used if  
27 identified in the Kirkland Plant List as potentially damaging to sidewalks, roads,  
28 underground utilities, drainage improvements, foundations, or when not provided with  
29 enough growing space.
  - 30 d. All plants shall conform to American Association of Nurserymen (AAN) grades and  
31 standards as published in the "American Standard for Nursery Stock" manual.
  - 32 e. Plants shall meet the minimum size standards established in other sections of the KZC.
  - 33 f. Multiple-stemmed trees may be permitted as an option to single-stemmed trees for  
34 required landscaping provided that such multiple-stemmed trees are at least 10 feet in  
35 height and that they are approved by the Planning Official prior to installation.
- 36 6. Fertilization. All fertilizer applications to turf or trees and shrubs shall follow Washington  
37 State University, National Arborist Association or other accepted agronomic or horticultural  
38 standards.

1 7. Irrigation. The intent of this standard is to ensure that plants will survive the critical  
2 establishment period when they are most vulnerable due to lack of watering. All required  
3 plantings must provide an irrigation system, using either Option 1, 2, or 3 or a combination  
4 of those options. For each option irrigation shall be designed to conserve water by using the  
5 best practical management techniques available. These techniques may include, but not be  
6 limited to: drip irrigation to minimize evaporation loss, moisture sensors to prevent irrigation  
7 during rainy periods, automatic controllers to insure proper duration of watering, sprinkler  
8 head selection and spacing designed to minimize overspray, and separate zones for turf and  
9 shrubs and for full sun exposure and shady areas to meet watering needs of different  
10 sections of the landscape.

11 Exceptions, as approved by the Planning Official, to the irrigation requirement may be  
12 approved xeriscape (i.e., low water usage plantings), plantings approved for low impact  
13 development techniques, established indigenous plant material, or landscapes where natural  
14 appearance is acceptable or desirable to the City. However, those exceptions will require  
15 temporary irrigation (Option 2 and/or 3) until established.

16 a. Option 1. A permanent built-in irrigation system with an automatic controller designed  
17 and certified by a licensed landscape architect as part of the landscape plan.

18 b. Option 2. An irrigation system designed and certified by a licensed landscape architect  
19 as part of the landscape plan, which provides sufficient water to ensure that the plants  
20 will become established. The system does not have to be permanent if the plants  
21 chosen can survive adequately on their own, once established.

22 c. Option 3. Irrigation by hand. If the applicant chooses this option, an inspection will be  
23 required one year after final inspection to ensure that the landscaping has become  
24 established.

25 8. Drainage. All landscapes shall have adequate drainage, either through natural percolation or  
26 through an installed drainage system. A percolation rate of one-half inch of water per hour  
27 is acceptable.

28 9. Mulch.

29 a. Required plantings, except turf or areas of established ground cover, shall be covered  
30 with two inches or more of organic mulch to minimize evaporation and runoff. Mulch  
31 shall consist of materials such as yard waste, sawdust, and/or manure that are fully  
32 composted.

33 b. All mulches used in planter beds shall be kept at least six inches away from the trunks of  
34 shrubs and trees.

35 10. Protection. All required landscaped areas, particularly trees and shrubs, must be protected  
36 from potential damage by adjacent uses and development, including parking and storage  
37 areas. Protective devices such as bollards, wheel stops, trunk guards, root guards, etc., may  
38 be required in some situations.

1 11. Mitigation and Restoration Plantings in Critical Areas and Critical Area Buffers. Plants  
2 intended to mitigate for the loss of natural resource values are subject to the following  
3 requirements in addition to the other landscaping requirements found in KZC95.40 through  
4 KZC 95.45. Where these requirements conflict with other requirements of this chapter,  
5 these requirements take precedence. Refer to Chapters [85](#) and [90](#) KZC for additional  
6 requirements for these areas.

7 a. Plant Source. Plant materials must be native and selected from the Kirkland Plant List.  
8 Seed source must be as local as possible, and plants must be nursery propagated unless  
9 transplanted from on-site areas approved for disturbance. These requirements must be  
10 included in the Mitigation Plan specifications.

11 b. Installation. Plant materials must be supported only when necessary due to extreme  
12 winds at the planting site. Where support is necessary, stakes, guy wires, or other  
13 measures must be removed as soon as the plant can support itself, usually after the first  
14 growing season. All fertilizer applications to turf or trees and shrubs shall follow  
15 Washington State University, National Arborist Association or other accepted agronomic  
16 or horticultural standards.

17 c. Fertilizer Applications. Fertilizers shall be applied in such a manner as to prevent its  
18 entry into waterways and wetlands and minimize its entry into storm drains. No  
19 applications shall be made within 50 feet of a waterway or wetland, or a required buffer  
20 as established by the City codes (such as Chapter [90](#) KZC) or Kirkland Shoreline Master  
21 Program (SMP, KMC Title 24), whichever is greater, unless specifically authorized in an  
22 approved mitigation plan or otherwise authorized in writing by the Planning Official.

### 23 **95.51 Tree and Landscape Maintenance Requirements**

24 The following maintenance requirements apply to all trees, including street trees, and other  
25 vegetation required to be planted or preserved by the City:

26 1. Responsibility for Regular Maintenance. Required trees and vegetation, fences, walls, and  
27 other landscape elements shall be considered as elements of the project in the same  
28 manner as parking, building materials, and other site details. The applicant, landowner, or  
29 successors in interest shall be responsible for the regular maintenance of required  
30 landscaping elements. Plants that die must be replaced in kind. It is also the responsibility a  
31 property owner to maintain street trees abutting their property pursuant to KZC 95.21.

32 2. Maintenance Duration. Maintenance shall be ensured in the following manner except as set  
33 forth in subsections (3) and (4) of this section:

34 a. All required landscaping shall be maintained throughout the life of the development.  
35 Prior to issuance of a certificate of occupancy, the proponent shall provide a final as-  
36 built landscape plan and an agreement to maintain and replace all landscaping that is  
37 required by the City.

38 b. Any existing tree or other existing vegetation designated for preservation in a Tree  
39 Retention Plan shall be maintained for a period of five years following issuance of the

1 certificate of occupancy for the individual lot or development. After five years, all trees  
2 on the property are subject to KZC [95.23](#) unless:

3 1) The tree and associated vegetation are in a grove that is protected pursuant to  
4 subsection (3) of this section; or

5 2) The tree or vegetation is considered to be a public benefit related to approval of a  
6 planned unit development; or

7 3) The tree or vegetation was retained to partially or fully meet requirements of KZC  
8 [95.40](#) through KZC 95.45, Required Landscaping.

9 3. Maintenance of Preserved Grove. Any applicant who has a grove of trees identified for  
10 preservation on an approved Tree Retention Plan pursuant to KZC 95.30.2.a shall provide  
11 prior to occupancy the legal instrument acceptable to the City to ensure preservation of the  
12 grove and associated vegetation in perpetuity, except that the agreement may be  
13 extinguished if the Planning Official determines that preservation is no longer appropriate.

14 4. Maintenance of Critical Area and Critical Area Buffers. In critical areas and their buffers,  
15 native vegetation is not to be removed without City approval pursuant to KZC 95.23.5.c.  
16 However, it is the responsibility of the property owner to maintain critical areas and their  
17 buffers by removing non-native, invasive, and noxious plants in a manner that will not harm  
18 critical areas or their buffers. See also subsection (6) of this section and Chapters [85](#) and [90](#)  
19 KZC for additional requirements for trees and other vegetation within critical areas and  
20 critical area buffers.

21 5. Non-Native Invasive and Noxious Plants. It is the responsibility of the property owner to  
22 remove non-native invasive plants and noxious plants from the vicinity of any tree or other  
23 vegetation that the City has required to be planted or protected. Removal must be  
24 performed in a manner that will not harm the tree or other vegetation that the City has  
25 required to be planted or protected.

26 6. Pesticides, Herbicides, and Fertilizer. The use of plant material requiring excessive pesticide  
27 or herbicide applications to be kept healthy and attractive is discouraged. Pesticide,  
28 herbicide, and fertilizer applications shall be made in a manner that will prevent their  
29 unintended entry into waterways, wetlands, and storm drains. No application shall be made  
30 within 50 feet of a waterway or wetland or a required buffer as established by City codes,  
31 whichever is greater, unless done so by a state certified applicator with approval of the  
32 Planning Official, and is specifically authorized in an approved mitigation plan or otherwise  
33 authorized in writing by the Planning Official.

34 7. Landscape Plans and Utility Plans. Landscape plans and utility plans shall be coordinated. In  
35 general, the placement of trees and large shrubs should adjust to the location of required  
36 utility routes both above and below ground. Location of plants shall be based on the plant's  
37 mature size both above and below ground. See the Kirkland Plant List for additional  
38 standards.

39 **95.52 Prohibited Vegetation**

1 Plants listed as prohibited in the Kirkland Plant List shall not be planted in the City.

2 For landscaping not required under this chapter, this prohibition shall become effective on  
3 February 14, 2008. The City may require removal of prohibited vegetation if installed after this  
4 date. Residents and property-owners are encouraged to remove pre-existing prohibited  
5 vegetation whenever practicable.

## 6 **95.55 Enforcement and Penalties**

7 1. Intent. These enforcement and penalty provisions have several purposes. First, they are  
8 intended to discourage damage or removal of significant trees above and beyond what is  
9 permitted under this chapter. Second, these enforcement and penalty provisions are  
10 intended to provide complete and effective restoration of areas in which violations of this  
11 chapter occur. Finally, these regulations are intended to provide a clear and efficient process  
12 for addressing violations of this chapter.

13 The City may utilize one or more of several remedies when responding to violations of this  
14 chapter. In almost all cases where a violation has occurred, the City will issue a civil citation  
15 that describes the nature of the violation, the actions necessary to remedy the violation, and  
16 the amount of any civil penalty, among other things. If the acts that constitute a violation  
17 appear to be ongoing, the City may also issue a notice of cease and desist. Failure to adhere  
18 to a notice to cease and desist will result in imposition of additional civil penalties. If there is  
19 a pending development or building permit, the City may also issue a stop work order or  
20 withhold issuance of permit approval or a certificate of occupancy. Finally, additional fines  
21 may be imposed if a violator does not follow through in a timely manner with restoration  
22 work or other compliance issues.

23 2. General Requirements. Enforcement shall be conducted in accordance with procedures set  
24 forth in Chapter [170](#) KZC. Special enforcement provisions related to tree conservation are  
25 set forth below. To the extent there is a conflict between the provisions of this section and  
26 Chapter [170](#) KZC, this section shall control.

27 For code enforcement provisions regarding street trees and trees located on City property  
28 see Kirkland Municipal Code Chapter 19.36.

29 3. Authority. It shall be the duty of the Planning Official to administer the provisions of this  
30 chapter. The Planning Official shall have authority to enforce and carry out the provisions of  
31 this chapter.

32 4. Cease and Desist. The Planning Official may issue a notice to cease and desist using the  
33 procedure set forth in KZC [170.30](#) if the Planning Official finds that a violation of this code  
34 has occurred. Continued illegal tree activity following issuance of a cease and desist from  
35 the City for the tree activity shall result in fines of \$1,000 per day of continued activity.

36 5. Stop Work Order. If a violation of this chapter or an approved Tree Retention Plan occurs on  
37 property on which work is taking place pursuant to a City of Kirkland development or  
38 building permit, the Building Official may suspend some or all of the work as appropriate  
39 through issuance of a stop work order. The Building Official shall remove the stop work  
40 order when the City determines that the violation has been corrected or when the City has

1 reached an agreement with the violator regarding rectification of the violation. Any stop  
2 work order issued under this section may be appealed using the procedures set forth in  
3 Chapter 21.06 KMC.

4 6. Civil Citation. The City's Code Enforcement Officer shall notify a person who violates this  
5 chapter by issuance of a civil citation. The civil citation shall be in writing, and issued by  
6 certified mail with return receipt requested, or by personal service. The civil citation shall  
7 contain the following:

- 8 a. The name and address of the property owner or other person to whom the civil citation  
9 is directed;
- 10 b. The street address or description sufficient for identification of the land upon which the  
11 violation has occurred or is occurring;
- 12 c. A description of the violation and a reference to the provisions of this chapter that have  
13 been violated;
- 14 d. A statement of the restoration action required to be taken to correct the violation as  
15 determined by the Planning Official;
- 16 e. A statement of the civil penalty incurred for each violation;
- 17 f. A statement that the person to whom the civil citation is issued must correct the  
18 violation through restoration described in subsection (8) of this section and may pay the  
19 civil penalty or may appeal the civil citation as provided in this section.

20 Note: Section [95.55](#) continues on page 636.23.

21 7. Civil Penalty.

- 22 a. A person who fails to comply with the requirements of this chapter or the terms of a  
23 permit issued hereunder, who undertakes an activity regulated by this chapter without  
24 obtaining a permit, or fails to comply with a cease and desist or stop work order issued  
25 under this chapter shall also be subject to a civil penalty as set forth in Table 95.55.1.  
26 Each unlawfully removed or damaged tree shall constitute a separate violation.
- 27 b. Any person who aids or abets in the violation shall be considered to have committed a  
28 violation for purposes of the civil penalty.
- 29 c. The amount of the penalty shall be assessed in accordance with Table 95.55.1. The  
30 Planning Official may elect not to seek penalties if he or she determines that the  
31 circumstances do not warrant imposition of civil penalties in addition to restoration.

**Table 95.55.1 – Penalties**

Types of Violations	Allowable Fines per Violation
1. Removal of tree(s) approved to be removed, but prior to final tree plan approval or issuance of a City tree removal permit	\$100.00 per tree

2. Removal or damage of tree(s) that are or would be shown to be retained on an approved tree plan or any other violation of approved tree protection plan	\$1,000 per tree
3. Removal of tree(s) without applying for or obtaining a required City permit	\$1,000 per tree

- 1 8. Tree Restoration.
- 2 a. Violators of this chapter or of a permit issued thereunder shall be responsible for  
3 restoring unlawfully damaged areas in conformance with a plan, approved by the  
4 Planning Official, which provides for repair of any environmental and property damage,  
5 and restoration of the site; and which results in a site condition that, to the greatest  
6 extent practical, equals the site condition that would have existed in the absence of the  
7 violation(s). In cases where the violator intentionally or knowingly violated this chapter  
8 or has committed previous violations of this chapter, restoration costs may be based on  
9 the City-appraised tree value of the subject trees in which the violation occurred,  
10 utilizing the industry standard trunk formula method in the current edition of Guide for  
11 Plant Appraisal. If diameter of removed tree is unknown, determination of the diameter  
12 size shall be made by the Planning Official by comparing size of stump and species to  
13 similar trees in similar growing conditions. The amount of costs above the approved  
14 restoration plan will be paid into the City forestry account.
- 15 b. Restoration Plan Standards. The restoration plan shall be in accordance to the following  
16 standards:
- 17 1) The number of trees required to be planted is equal to the number of tree credits of  
18 illegally removed trees according to Table 95.33.1.
- 19 2) The minimum size for a tree planted for restoration is 12-foot-tall conifer and three-  
20 inch caliper deciduous or broadleaf evergreen tree. The City may approve smaller  
21 restoration tree sizes at a higher restoration ratio, provided the site has capacity for  
22 the additional trees and the results of restoration at a higher restoration ratio is as  
23 good or better than at the normal ratio. The smallest allowable alternatives to the  
24 normal restoration requirements shall be two eight-foot conifers for one 12-foot  
25 conifer or two two-inch caliper deciduous for one three-inch caliper deciduous tree.
- 26 3) In the event the violators cannot restore the unlawfully removed or damaged trees,  
27 the violators shall make payment to the City forestry account. Unless otherwise  
28 determined to base the restoration costs on appraised value, the amount paid will be  
29 the City's unit cost for a restoration tree multiplied by the number of outstanding  
30 tree credits. The City's unit cost is based on the current market cost of purchase,  
31 installation and three-year maintenance for a minimum-sized tree for restoration.
- 32 4) The restoration plan shall include a maintenance plan and an agreement or security  
33 to ensure survival and maintenance of restoration trees for a three-year period  
34 unless the violation was on a site with an approved tree plan in which case, the  
35 maintenance period is five years.

1 9. Failure to Restore or Pay Fines.

2 a. Prohibition of Further Approvals. The City shall not approve any application for a  
3 subdivision or any other development permit or approval, or issue a certificate of  
4 occupancy for property on which a violation of this chapter has occurred until the  
5 violation is cured by restoration or other means accepted by the Planning Official and by  
6 payment of any penalty imposed for the violation.

7 b. Fines. A property owner or occupant who fails to restore or otherwise cure property on  
8 which a violation of this chapter has occurred shall be assessed a fine of \$100.00 per  
9 day for each day that restoration is incomplete. Prior to assessing fines under this  
10 subsection, the City shall issue a written notice to the property owner or that restoration  
11 has not been completed. The notice shall include the following information: (1) a  
12 description of the nature of the violation; (2) a description of what actions are required  
13 to bring the property into compliance; and (3) a date by which compliance shall be  
14 required (the "compliance date"). The compliance date shall be no less than 30 days  
15 from the date the notice is served on the property owner or occupant. If the property  
16 owner or occupant does not, in the determination of the City, bring the property into  
17 compliance by the compliance date, then the City may issue an order imposing \$100.00  
18 per day fines at any time after the compliance date. The fines shall continue to accrue  
19 until the violation has been certified to be corrected by the Planning Department. The  
20 property owner or occupant may appeal the order imposing fines to the hearing  
21 examiner using the procedures set forth in subsection 10 of this section.

22 10. Appeal to Hearing Examiner.

23 a. A person to whom a civil citation or order imposing fines is directed may appeal the civil  
24 citation, including the determination that a violation exists or the amount of any  
25 monetary penalty imposed, to the Hearing Examiner.

26 b. A person may appeal the civil citation or order imposing fines by filing a written notice of  
27 appeal with the Department of Planning and Community Development within 14  
28 calendar days of the date of service of the civil citation or order imposing fines.

29 c. Fines that accrue on a daily basis shall not be imposed while an appeal is pending unless  
30 the Hearing Examiner determines that the appeal is frivolous or imposed solely for the  
31 purpose of delay.

32 d. If both a civil citation and an order to cease and desist have been issued in the same  
33 case, and both the civil citation and the order to cease and desist have been appealed,  
34 the appeals shall be consolidated for hearing.

35 e. The office of the Hearing Examiner shall give notice of the hearing to the appellants at  
36 least 17 calendar days prior to the hearing.

37 f. The Hearing Examiner shall conduct a hearing on the appeal pursuant to the rules of  
38 procedure provided for in the Administrative Procedures Act (Chapter 34.05 RCW) and in  
39 accordance with any rules for hearings promulgated by the Hearing Examiner. The City

1 and the appellant may participate as parties in the hearing and each may call witnesses.  
2 The City shall have the burden of proof by a preponderance of the evidence that a  
3 violation has occurred.

4 11. Hearing Examiner Decision.

5 a. The Hearing Examiner shall determine whether the City has proven by a preponderance  
6 of the evidence that a violation has occurred and shall affirm, vacate, suspend, or  
7 modify the amount of any monetary penalty imposed by the civil citation, with or  
8 without written conditions.

9 b. In the event that the Hearing Examiner determines that a violation has occurred, the  
10 Hearing Examiner shall also consider the following in making his or her decision: (1)  
11 whether the appeal is frivolous or intended to delay compliance; (2) whether the  
12 appellant exercised reasonable and timely effort to comply with applicable development  
13 regulations; and (3) any other relevant factors.

14 c. The Hearing Examiner shall mail a copy of his or her decision to the appellant, by  
15 certified mail, postage prepaid, return receipt requested.

16 d. The decision of the Hearing Examiner may be reviewed in King County Superior Court  
17 using the standards set forth in RCW 36.70C.130. The land use petition must be filed  
18 within 21 calendar days of the issuance of the final land use decision by the Hearing  
19 Examiner (see Chapter 36.70C RCW for more information).

20 **95.57 City Forestry Account**

21 1. Funding Sources. All civil penalties received under this chapter and all money received  
22 pursuant to KZC [95.35](#) shall be used for the purposes set forth in this section. In addition,  
23 the following sources may be used for the purposes set forth in this section:

24 a. Agreed upon restoration payments imposed under KZC [95.55](#) or settlements in lieu of  
25 penalties;

26 b. Sale of trees or wood from City property where the proceeds from such sale have not  
27 been dedicated to another purpose;

28 c. Donations and grants for tree purposes;

29 d. Sale of seedlings by the City; and

30 e. Other monies allocated by the City Council.

31 2. Funding Purposes. The City shall use money received pursuant to this section for the  
32 following purposes:

33 a. Acquiring, maintaining, and preserving wooded areas within the City;

34 b. Planting and maintaining trees within the City;

35 c. Establishment of a holding public tree nursery;

- 1 d. Urban forestry education;
- 2 e. Implementation of a tree canopy monitoring program; or
- 3 f. Other purposes relating to trees as determined by the City Council.

DRAFT



## **Chapter 95 – TREE MANAGEMENT AND REQUIRED LANDSCAPING**

Sections:

95.05 Purpose and Intent

95.10 Definitions

95.20 Exemptions

1. Emergency Tree Removal
2. Utility Management
3. Commercial Nurseries or Tree Farms

95.21 Tree Pruning

1. Pruning Street Trees
2. Tree Pruning on Private Property

95.23 Tree Removal – Not Associated with Development Activity

1. Introduction
2. Permit Required
3. Tree Removal Application Form
4. Tree Removal Application Procedure and Appeals
5. Tree Removal Allowances

95.25 Sustainable Site Development

95.30 Tree Retention Associated with Development Activity

1. Introduction
2. Tree Retention Plan Required
3. Tree Retention Plan Review Procedure
4. Tree Retention Plan Components
5. Tree Retention Plan – Chart
6. Additional Tree Retention Plan Standards for Short Plats and Subdivisions
  - a. Phased Review
  - b. Modifications

95.32 Incentives and Variations to Development Standards

95.33 Tree Density Requirement

95.34 Tree Protection during Development Activity

95.40 Required Landscaping

1. User Guide
2. Use of Significant Existing Vegetation
3. Landscape Plan Required

95.41 Supplemental Plantings

95.42 Minimum Land Use Buffer Requirements

95.43 Outdoor Use, Activity, and Storage

95.44 Internal Parking Lot Landscaping Requirements

95.45 Perimeter Landscape Buffering for Driving and Parking Areas

95.46 Modifications to Landscaping Standards

1. Modification to Land Use Buffer Requirements
2. Modification to General Landscaping Requirements

95.47 Nonconforming Landscaping and Buffers

95.50 Installation Standards for Required Plantings

1. Compliance
2. Timing
3. Grading
4. Soil Specifications
5. Plant Selection
6. Fertilization
7. Irrigation
8. Drainage
9. Mulch
10. Protection
11. Mitigation and Restoration Plantings in Critical Areas and Critical Area Buffers

95.51 Tree and Landscape Maintenance Requirements

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2. Maintenance Duration
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4. Maintenance of Critical Area and Critical Area Buffers
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6. Pesticides, Herbicides, and Fertilizer
7. Landscape Plans and Utility Plans

95.52 Prohibited Vegetation

95.55 Enforcement and Penalties

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2. General Requirements
3. Authority
4. Cease and Desist
5. Stop Work Order
6. Civil Citation

7. Civil Penalty
8. Tree Restoration
9. Failure to Restore or Pay Fines
10. Appeal to Hearing Examiner
11. Hearing Examiner Decision

95.57 City Forestry Account



**CITY OF KIRKLAND**

123 FIFTH AVENUE KIRKLAND, WASHINGTON 98033-6189 (425) 828-1257

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**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
MEMORANDUM**

**To:** Interpretation File 91-3  
**From:** Joseph W. Tovar  
**Date:** July 24, 1991  
**Subject:** KZC 95.40 – BONDS – ESTABLISHMENT OF TWO-YEAR  
MAINTENANCE AGREEMENT FOR ON-SITE LANDSCAPING

 KZC ~~95.40~~ gives the City the authority to require a bond pursuant to Chapter 175 KZC to ensure compliance with any aspect of the landscaping chapter. The City has been requiring two year landscape maintenance securities to cover required landscaping for all new development. Planners have found that few landscape maintenance securities are called in, and that the paperwork to establish them is substantial. In an effort to streamline permit processing, provide more timely service, and still comply with the code and ensure maintenance of landscaping, a new way of achieving compliance has been developed.

When a project nears occupancy, the applicant and property owner will be required to sign a “Two-Year Landscape Maintenance Agreement – On-Site Landscaping” which will be recorded with King County. An as-built landscape plan will still be required and a site visit will still be performed by the planner prior to releasing the certificate of occupancy. At the end of two years, the planner will again visit the site to determine whether the landscaping has been adequately maintained. If not, and if the planner has difficulty obtaining voluntary compliance, then the case will be subject to civil penalties as authorized by Chapter 170 KZC.

  
**Therefore, it is my interpretation that applicants can achieve compliance with KZC ~~95.40~~ by submitting a properly signed and notarized “Two-Year Landscape Maintenance Agreement – On-Site Landscaping” prior to occupancy rather than bonds.**



DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 52.12	USE REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.010	Vehicle Service Station. See Special Regulation 1.	D.R., Chapter 142 KZC.	22,500 sq. ft.	0'	0'	0'	80%	30' above average building elevation.	A	E	See KZC 105.25.  1. May not be more than two vehicle service stations at any intersection. 2. Gas pump islands must be setback at least 20 feet from all property lines. Canopies and covers over gas pump islands may not be closer than 10 feet to any property line. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.	
.020	Automotive Service Center See Special Regulation 1.		None	0'	0'	0'						1 per each 250 sq. ft. of gross floor area. See Spec. Reg. 3.  1. This use specifically excludes new or used vehicle sales or rentals. 2. No openings (i.e., doors, windows which open, etc.) shall be permitted in any facade of the building adjoining a residential use. Windows are permitted if they are triple-paned and unable to be opened. 3. Ten (10) percent of the required parking spaces on site must have a minimum dimension of 10 feet wide by 30 feet long for motor home/travel trailer use. 4. Storage of used parts and tires must be conducted entirely within an enclosed structure. See also the section in Chapter 115 entitled "Outdoor Use, Activity and Storage" for additional regulations. 5. Prior to occupancy of the structure, documentation must be provided and stamped by a licensed professional verifying that the expected noise to be emanating from the site adjoining to any residential use complies with the standards set forth in WAC 173-60-040(1) for a Class B source property and a Class A receiving property.
.030	Retail Establishment providing boat sales, service, or repair. See Special Regulation 1.										See KZC 105.25.  1. Boat rental and used boat sales are allowed as part of this use. 2. Storage of parts must be conducted entirely within an enclosed structure. 3. Outdoor boat parking and storage areas must be buffered as required for a parking area per design regulations, <del>KZC 95.40(7)</del> . See also KZC 115.105, Outdoor Activity and Storage, for further regulations.	
.040	Restaurant or Tavern							D			1 per each 100 sq. ft. of gross floor area.  1. For restaurants with drive-in or drive through facilities: a. These facilities are permitted only if they do not compromise the pedestrian orientation of the development. The location and specific design of the facilities require Planning Official approval. b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served. c. One outdoor waste receptacle shall be provided for every eight parking stalls. d. Landscape Category B shall apply.	

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 52.17	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)		
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure	
				Front	Side	Rear							
.010	Vehicle Service Station See Spec. Reg. 1.	D.R., Chapter 142 KZC.	22,500 sq. ft.	0'	0'	0'	80%	26' above average building elevation.	A	E	1. May not be more than two vehicle service stations at any intersection. 2. Gas pump islands must be setback at least 20 feet from all property lines. Canopies and covers over gas pump islands may not be closer than 10 feet to any property line. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.		
.020	Automotive Service Center See Spec. Reg. 1.			None	0'	0'						0'	1 per each 250 sq. ft. of gross floor area. See Spec. Reg. 3.
.030	Retail Establishment providing boat sales, service, or repair. See Spec. Reg. 1.		See KZC 105.25.	1 per each 100 sq. ft. of gross floor area.	D	1. For restaurants with drive-in or drive-through facilities: a. One outdoor waste receptacle shall be provided for every eight parking stalls. b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served. c. Landscape Category B shall apply.							
.040	Restaurant or Tavern											See KZC 105.25.	
.060	A Retail Establishment providing entertainment, recreational, or cultural activities												

ATTACHMENT 7  
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**DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS**

Section 52.27	USE ↓ REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.010	Retail Establishment providing boat sales, service, or repair. See Spec. Reg. 1.	D.R., Chapter 142 KZC.	None	0'	0'	0'	80%	26' above average building elevation.	A	E	See KZC 105.25.	1. Boat rental and used boat sales are allowed as part of this use. 2. Storage of parts must be conducted entirely within an enclosed structure. 3. Outdoor boat parking and storage areas must be buffered as required for a parking area per design regulations, <b>KZC 95.40(7)</b> . See also KZC 115.105, Outdoor Activity and Storage, for further regulations.
.020	Restaurant or Tavern							C		1 per each 100 sq. ft. of gross floor area.	1. Drive-in or drive-through facilities are prohibited.	
.040	A Retail Establishment providing entertainment, recreational, or cultural activities									See KZC 105.25.		

95.45

Section 48.15	USE ↓ REGULATIONS ↑	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
			Front	Side	Rear							
.150	Recycling Center	Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none.	None	20'	0'	0'	80%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 35' above average building elevation with a maximum of two stories, exclusive of parking levels.	A	C	See KZC 105.25.	1. May deal in metal cans, glass, and paper. Other materials may be recycled if the Planning Director determines that the impacts are no greater than those associated with recycling metal cans, glass, or paper. The individual will have the burden of proof in demonstrating similar impacts.  1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.160	Public Utility								C	B		
.170	Government Facility Community Facility								See Spec. Reg. 1.			
.180	Hazardous Waste Treatment and Storage Facilities	Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none.	None	30'	0'	0'	90%	35' above average building elevation with a maximum of two stories, exclusive of parking levels. See Spec. Reg. 2.	A	C	1 per each 1,000 sq. ft. of gross floor area.	1. Must comply with the state siting criteria adopted in accordance with RCW 70.105.210. 2. Structure height may be increased above 35 feet in height through a Process IIA, Chapter 150 KZC, if: a. It will not block local or territorial views designated in the Comprehensive Plan; and b. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan; and c. The need for an increase in height is directly related to the hazardous waste treatment and/or storage activity; and d. The required yard of any portion of the structure may be increased up to a maximum <b>95.40 through 95.45</b> portion of the structure exceeding elevation. The need for additional setback yards will be determined as part of the review of any request to increase structure height.
.190	Vehicle or Boat Repair, Services, Storage, or Washing											



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 53.06	USE REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS		Landscaping Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	REGULATIONS	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.010	Vehicle Service Station	D.R., Chapter 142 KZC.	22,500 sq. ft.	20' See Spec. Reg. 1.	15' on each side.	15'	80%	67' above average building	A	E	See KZC 105.25.	<p>95.40 through 95.45</p> <p>(See also General Regulations)</p>
.020	Automotive Service Center See Spec. Reg. 1.		None	10'	0'	0'					1 per each 250 sq. ft. of gross floor area. See Spec. Reg. 1.	<p>95.40 through 95.45</p>
.030	Restaurant or Tavern								B		1 per each 100 sq. ft. of gross floor area.	<p>95.40 through 95.45</p>
.040	Any Retail Establishment other than those specifically listed, limited or prohibited in this zone, selling goods or providing services, including banking and related financial services										1 per each 300 sq. ft. of gross floor area.	<p>95.40 through 95.45</p>



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 53.12	USE REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.010	Vehicle Service Station See Spec. Regs. 1 and 2.	D.R., Chapter 142 KZC.	22,500 sq. ft.	20'	15'	15'	80%	20' above average building elevation.	A	E See Spec. Reg. 6.	See KZC 105.25.	<p><b>95.40 through 95.45</b></p> <p>of NE 90th Street as an accessory use to a commercial use located in RH 1A and limited to sale of fuel. Vehicle service, repair, or the sale or installation of lubricants, tires, batteries or other similar accessories is prohibited.</p> <ol style="list-style-type: none"> <li>Hours of operation and truck deliveries are limited to 8:00 a.m. to 9:00 p.m.</li> <li>Gas pump islands must be located at least 20 feet from all property lines.</li> <li>See <b>KZC 95.40(6) and (7)</b>, required landscaping, for additional regulations.</li> <li>The following improvements must be installed:                             <ol style="list-style-type: none"> <li>Half street improvements including vertical curb, five-foot-wide sidewalk and 4.5-foot-wide landscape strip planted with street trees adjacent to the curb in the following locations:                                     <ol style="list-style-type: none"> <li>Along the south side of NE 90th Street between 120th Avenue NE and the existing sidewalk west of 122nd Avenue NE.</li> <li>Along the south side of NE 90th Street between 122nd Avenue and 123rd Lane NE.</li> <li>Along the east side of 120th Avenue NE between NE 90th Street and the existing sidewalk to the south.</li> </ol> </li> <li>Crosswalk markings at the intersection of NE 90th Street and 122nd Avenue NE.</li> </ol> </li> <li>Minor deviations may be approved by the Public Works Director. If improvements will result in impacts to adjacent wetlands, they must comply with Chapter 90 KZC, Drainage Basins, requirements.</li> <li>Basic water quality treatment for the surface water discharge from all the parking lots that serve the commercial use located in RH 1A. The treatment shall meet the specifications of the 1998 King County Surface Water Design Manual, or equivalent approved by the Public Works Department.</li> <li>A pedestrian pathway shall be developed and maintained between NE 90th Street and Slater Avenue NE.</li> <li>Internally illuminated signs are prohibited on the north and east sides of gas pump islands or canopies.</li> </ol>
.020	Accessory parking for retail uses located in the RH 1A zone		None	10' Otherwise 20' adjoining a residential zone	10' on each side	10'		35' above average building elevation.	B	D	N/A	<ol style="list-style-type: none"> <li>No retail floor area shall be permitted for this use.</li> </ol>

ATTACHMENT 7  
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Section 53.24



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 53.24	USE REGULATIONS	Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.010	Vehicle Service Station See Spec. Regs. 1 and 2.	D.R., Chapter 142 KZC.	22,500 sq. ft.	20' See Spec. Reg. 2.	0' See Spec. Reg. 2.	0' See Spec. Reg. 2.	80%	35' above average building elevation.	A	E	See KZC 105.25.	95.40 through 95.45 1. This use is permitted only in RH 2A. 2. Gas pump islands must be set back a minimum of 20 feet from all property lines. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. 3. See KZC 95.40(6) and (7), required landscaping, for further regulations.
.020	Automotive Service Center See Spec. Reg. 1.		None	10' adjacent to NE 85th St., otherwise 20'.	0'	0'	In RH 2A and RH 2B: 80%  In RH 2C: 70%	In RH 2B: 55' above average building elevation.  In RH 2A: 67' above average building elevation.			See Spec. Reg. 2.	95.40 through 95.45 1. This use is permitted only in RH 2A. 2. Ten percent of the required parking spaces on site must have a minimum dimension of 10 feet wide by 30 feet long for motor home/ travel trailer use. 3. Parts and tires must be stored entirely within an enclosed structure. 4. See KZC 95.40(6) and (7), required landscaping, for further regulations.
.030	Restaurant or Tavern										1 per each 100 sq. ft. of gross floor area.	1. This use is permitted in RH 2B only if developed in conjunction with the RH 2A zone. 2. This use is not permitted in RH 2C. 3. For restaurants with drive-in or drive-through facilities: a. One outdoor waste receptacle shall be provided for every eight parking stalls. b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.
.040	A Retail Establishment providing entertainment, recreational or cultural activities										See KZC 105.25.	1. This use is permitted in RH 2B only if developed in conjunction with the RH 2A zone. 2. This use is not permitted in RH 2C.

ATTACHMENT 7  
ZON08-00016

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 53.24	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.050	Any Retail Establishment other than those specifically listed, limited or prohibited in this zone, selling goods, or providing services including banking and related financial services	D.R., Chapter 142 KZC.	None	10' adjacent to NE 85th St., otherwise 20'.	0'	0'	In RH 2A and RH 2B: 80%  In RH 2C: 70%	In RH 2C: 35' above average building elevation.  In RH 2B: 55' above average building elevation.  In RH 2A: 67' above average building elevation.	A	E	1 per each 300 sq. ft. of gross floor area. See Spec. Reg. 2.	<ol style="list-style-type: none"> <li>This use is permitted in RH 2B only if developed in conjunction with the RH 2A zone. No retail uses are permitted in RH 2C unless the use is a retail establishment providing the sale, lease, service or repair of automobiles, trucks, boats, motorcycles, recreational vehicles also located in the RH 2A <b>95.40 through 95.45</b></li> <li>For a retail establishment involving the sale, lease, repair or service of automobiles, trucks, boats, motorcycles, recreational vehicles, heavy equipment, and similar vehicles, the following shall apply:                     <ol style="list-style-type: none"> <li>For the number of required parking stalls see KZC 105.25.</li> <li>Parts must be stored entirely within an enclosed structure.</li> <li>See KZC 95.40(6) and (7), required landscaping, for further regulations.</li> <li>The landscape buffer requirements of Chapter 95 KZC shall apply adjacent to 118th Avenue NE.</li> </ol> </li> <li>Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:                     <ol style="list-style-type: none"> <li>The assembled or manufactured goods are directly related to and are dependent on this use, and are available for purchase and removal from the premises.</li> <li>The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses.</li> </ol> </li> <li>A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if:                     <ol style="list-style-type: none"> <li>The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and</li> <li>It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.</li> </ol> </li> </ol>



USE ZONE CHART

**DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS**

Section 53.34	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (General Regulations) <b>95.40 through 95.45</b>			
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure		
				Front	Side	Rear								
.020	Vehicle Service Station	D.R., Chapter 142 KZC.	Less than 6 acres.	20'	0'	0'	80%	35' above average building elevation.	A	E	See KZC 105.25.	1. Gas pump islands must be set back at least 20 feet from all property lines. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. 2. See <b>KZC 95.40(6) and (7)</b> , required landscaping, for further regulations.		
.030	Automotive Service Center See Spec. Reg. 1.			10'	0'	0'							1 per each 250 sq. ft. of gross floor area. See Spec. Reg. 1.	1. Ten percent of the required parking spaces on site must have a minimum dimension of 10 feet wide by 30 feet long for motor home/travel trailer use. 2. Parts and tires must be stored entirely within an enclosed structure. 3. See <b>KZC 95.40(6) and (7)</b> , required landscaping, for further regulations.
.040	Restaurant or Tavern			1 per each 100	1. For restaurants with drive-in or drive-through facilities: a. One outdoor waste receptacle shall be provided for every eight parking stalls. b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.									
.050	Any Retail Establishment other than those specifically listed, limited or prohibited in this zone, selling goods or providing services, including banking and related financial services.							B			1 per each 300 sq. ft. of gross floor area.	1. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The assembled or manufactured goods are directly related to and are dependent upon this use, and are available for purchase and removal from the premises. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. 2. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if: a. The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.		

**95.40 through 95.45**

**95.40 through 95.45**

REGULATIONS CONTINUED ON NEXT PAGE

ATTACHMENT 7  
ZON08-00016



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 53.34	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.050	Any Retail Establishment other than those specifically listed, limited or prohibited in this zone, selling goods or providing services, including banking and related financial services. (continued)										95.40 through 95.45 CONTINUED FROM PREVIOUS PAGE 3. For a retail establishment involving the sale, lease, repair or service of automobiles, trucks, boats, motorcycles, recreational vehicles, heavy equipment, and similar vehicles, the following shall apply: a. For the number of required parking stalls see KZC 105.25. b. Parts must be stored entirely within an enclosed structure. c. See KZC 95.40(6) and (7), required landscaping, for further regulations.	
.060	Hotel or Motel	D.R., Chapter 142 KZC.	Less than 6 acres.	10'	0'	0'	80%	35' above average building elevation.	B	E	1 per each room. See also Spec. Reg. 2.	1. May include ancillary meeting and convention facilities. 2. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirement for these ancillary uses shall be determined on a case-by-case basis.
.070	A Retail Establishment providing entertainment, recreational or cultural activities										See KZC 105.25.	

Section 53.54



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 53.54	USE REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.010	Vehicle Service Station See Spec. Regs. 1 and 2.	D.R., Chapter 142 KZC.	22,500 sq. ft.	20' See Spec. Reg. 4.	15' See Spec. Reg. 4.	15' See Spec. Reg. 4.	80%	If adjoining an RS or RSX zone, then 30' above average building elevation. Otherwise, 35' above average building elevation.	A	E	See KZC 105.25.	<p><b>95.40 through 95.45</b></p> <p>the subject property abuts NE 85th Street. the RH 5B zone.</p> <ol style="list-style-type: none"> <li>May not be more than two vehicle service stations at any intersection.</li> <li>Gas pump islands must be set back at least 20 feet from all property lines. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line.</li> <li>See <b>KZC 95.40(6) and (7)</b>, required landscaping, for further regulations.</li> </ol>
.020	Automotive Service Center See Spec. Reg. 1.		None	10' adjacent to NE 85th St., otherwise 20'.	0'	15'					See KZC 105.25.	<p><b>95.40 through 95.45</b></p> <ol style="list-style-type: none"> <li>This use is not permitted in the RH 5B zone.</li> <li>This use specifically excludes a retail establishment involving the sale, lease, repair or service of automobiles, trucks, boats, motorcycles, recreational vehicles, heavy equipment, and similar vehicles.</li> <li>No openings (i.e., doors, windows which open, etc.) shall be permitted in any facade of a building adjoining any residential zone. Windows are permitted if they are triple-paned and unable to be opened.</li> <li>Ten percent of the required parking spaces on site must have a minimum dimension of 10 feet wide by 30 feet long for motor home/travel trailer use.</li> <li>Parts and tires must be stored entirely within an enclosed structure.</li> <li>See <b>KZC 95.40(6) and (7)</b>, required landscaping, for further regulations.</li> </ol>
.030	A Retail Establishment providing entertainment, recreational or cultural activities										See KZC 105.25.	
.040	Restaurant or Tavern See Spec. Regs. 1 and 2.										1 per each 100 sq. ft. of gross floor area.	<ol style="list-style-type: none"> <li>Taverns and restaurants with drive-in or drive-through facilities are not permitted uses in an RH 5B zone.</li> <li>For restaurants with drive-in or drive-through facilities:                             <ol style="list-style-type: none"> <li>One outdoor waste receptacle shall be provided for every eight parking stalls.</li> <li>Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting at line to be served.</li> </ol> </li> </ol>

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 53.54	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.050	Any Retail Establishment other than those specifically listed in this zone, selling goods or providing services, including banking and related financial services	D.R., Chapter 142 KZC.	None	10' adjacent to NE 85th St., otherwise 20'.	0'	15'	80%	If adjoining an RS or RSX zone, then 30' above average building elevation. Otherwise, 35' above average building elevation.	A	E	1 per each 300 sq. ft. of gross floor area.	<ol style="list-style-type: none"> <li>Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:                             <ol style="list-style-type: none"> <li>The assembled or manufactured goods are directly related to and are dependent upon this use, and are available for purchase and removal from the premises.</li> <li>The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses.</li> </ol> </li> <li>A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if:                             <ol style="list-style-type: none"> <li>The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and</li> <li>It can be demonstrated to the City that the floor plan is designed to exclude the seating area from being expanded.</li> </ol> </li> <li><b>95.40 through 95.45</b> regarding the sale, service or rental of motor or recreation trailers, the following shall apply:                             <ol style="list-style-type: none"> <li>This use is not permitted in the RH 5B zone; provided, that motorcycle sales, service, or rental is permitted if conducted indoors.</li> <li>For the number of required parking stalls see KZC 105.25.</li> <li>Parts must be stored entirely within an enclosed structure.</li> <li>See <b>KZC 95.40(6) and (7)</b>, required landscaping, for further regulations.</li> </ol> </li> </ol>
.060	Office Use								B	D	If a medical, dental or veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	<ol style="list-style-type: none"> <li>The following regulations apply to veterinary offices only:                             <ol style="list-style-type: none"> <li>May only treat small animals on the subject property.</li> <li>Outside runs and other outside facilities for the animals are not permitted.</li> </ol> </li> <li>Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:                             <ol style="list-style-type: none"> <li>The ancillary assembled or manufactured goods are subordinate and dependent on this use.</li> <li>The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.</li> </ol> </li> </ol>

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 55.61	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.140	Mini-Day-Care See Spec. Reg. 1.	None	None	20'	0'	0'	80%	35' above average building elevation.	D	B	See KZC 105.25.	<ol style="list-style-type: none"> <li>This use is permitted if accessory to a primary use, and:                             <ol style="list-style-type: none"> <li>It will not exceed 20 percent of the gross floor area of the building;</li> <li>The use is integrated into the design of the building.</li> </ol> </li> <li>A six-foot-high fence is required along the property lines adjacent to the outside play areas.</li> <li>To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated.</li> <li>Structured play areas must be set back from all property lines by five feet.</li> <li>An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements.</li> <li>The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses.</li> <li>May include accessory living facilities for staff persons.</li> <li>These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</li> </ol>
.150	Recycling Center								A	C		<ol style="list-style-type: none"> <li>May deal in metal cans, glass, and paper. Other materials may be recycled if the Planning Director determines that the impacts are no greater than those associated with recycling metal cans, glass, or paper. The individual will have the burden of proof in demonstrating similar impacts.</li> </ol>
.160	Public Utility								C	B		<ol style="list-style-type: none"> <li>Landscape Category <b>95.40 through 95.45</b> on the type of use on the subject property and the impacts associated with the use on the nearby uses.</li> </ol>
.170	Government Facility Community Facility								See Spec. Reg. 1.			
.180	Vehicle or Boat Repair, Services, Storage, or Washing								A	E		<ol style="list-style-type: none"> <li>Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in <b>KZC 95.40(6) and (7)</b>, landscaping regulations.</li> <li>Access from drive-through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.</li> </ol>
.190	Public Park	Development standards will be determined on case-by-case basis. See Chapter 49 KZC for required review process.										

**Chapter 19.36**  
**PENALTIES FOR VIOLATIONS - STREET TREES AND**  
**TREES ON CITY PROPERTY**

Sections:

- ~~19.36.010 — Purpose.~~
- ~~19.36.020 — Definitions.~~
- ~~19.36.030 — Alteration of street trees without prior approval is prohibited.~~
- ~~19.36.035 — Standards and criteria for approval to remove street tree.~~
- ~~19.36.040 — Removal or alteration of trees in public parks and other city property prohibited.~~
- ~~19.36.050 — 19.36.010 Civil penalties for violations.~~
- ~~19.36.060 — 19.36.020 Issuance of notice of violation.~~
- ~~19.36.070 — 19.36.030 Issuance of notice of civil infraction.~~
- ~~19.36.080 — 19.36.040 Civil infraction appeal procedures.~~
- ~~19.36.090 — 19.36.050 Criminal penalties for willful violations.~~
- ~~19.36.110 — 19.36.060 Remedies not exclusive.~~

**~~19.36.010 Purpose.~~**

~~The purpose of this chapter is to regulate, preserve and protect street trees, trees in public parks and trees on other city property. (Ord. 3866 § 1 (part), 2002)~~

**~~19.36.020 Definitions.~~**

~~Terms used in this title shall have the following meanings:~~

~~(a) — “Hazard tree” is any tree with structural defects, disease, or both, which makes it subject to a high probability of failure in the opinion of a qualified professional retained or approved by the city.~~

~~(b) — “Nuisance tree” is a tree which is causing physical damage to property or has been damaged by past maintenance practices, and for which accepted arboricultural practices cannot correct the problem.~~

~~(c) — “Street tree” is a tree located within the street right-of-way; provided, that if the trunk of the tree straddles the boundary line of the street right-of-way and the abutting property, it shall be considered to be on the abutting property and subject to the provisions of the Kirkland Zoning Code. (Ord. 3891 § 1, 2003; Ord. 3866 § 1 (part), 2002)~~

**~~19.36.030 Alteration of street trees without prior approval is prohibited.~~**

~~Routine maintenance of street trees is the responsibility of the abutting property owner except in the city’s central business district (CBD) zones and in any other specific right-of-way that may be identified by the city. Except for routine maintenance, it is unlawful for any person to prune, trim, modify, alter or damage a street tree without the prior approval of the director of public works or his or her designee; provided, that the city and utility crews may perform routine pruning and maintenance of street trees; and provided further, that an abutting property owner may perform routine pruning and maintenance in accordance with any landscape maintenance agreement or contract with the city. An application to prune, trim, modify or alter a street tree shall be granted only if the proposed action will improve the health and appearance of the tree. An application to prune, trim, modify or alter a street tree~~

~~shall not be granted if the sole or primary purpose of the proposed action is view enhancement. (Ord. 3891 § 2, 2003; Ord. 3866 § 1 (part), 2002)~~

~~**19.36.035 Standards and criteria for approval to remove street tree.**~~

~~An abutting property owner may apply for permission to remove a street tree by filing a written application with the department of public works. An application to remove a street tree shall be reviewed by the director of public works, or his or her designee. The director shall consider the following factors in determining whether to grant or deny the application: (1) whether the tree is a hazard tree or nuisance tree; (2) the location of the tree in the right-of-way; (3) the size and type of tree and whether it constitutes a "significant tree" as defined in the Kirkland Zoning Code; (4) whether the tree is now, or may be in the future, part of the city's plans for the right-of-way; (5) whether the property owner is willing to mitigate the consequences of removal of the tree by planting a new tree or trees in a more suitable location; and (6) any other factor that the director deems relevant or appropriate. Any failure by the applicant or his or her agents to adhere to conditions imposed on tree removal by the city under this chapter shall constitute a violation of this chapter and is subject to enforcement under this chapter. (Ord. 3891 § 3, 2003)~~

~~**19.36.040 Removal or alteration of trees in public parks and other city property prohibited.**~~

~~It is unlawful for any person to remove, prune, trim, modify, alter or damage a tree in a public park or on any other city property; provided, that the city may perform routine pruning and maintenance of such trees and take any actions it deems necessary with respect to trees on city property. (Ord. 3866 § 1 (part), 2002)~~

**19.36.050-010 Civil penalties for violations.**

(a) The director of public works or his or her designee shall be responsible for enforcing the provisions of this chapter with respect to street trees. The director of parks and community services or his or her designee shall be responsible for enforcing the provisions of this chapter with respect to city parks and other city property.

(b) When taking enforcement action under this chapter, the city's primary goal, if feasible, shall be full restoration of the area where the violation occurred. Each tree removed, pruned, trimmed, modified, altered or damaged in violation of this chapter shall constitute a separate violation for the purpose of assessing penalties under this chapter. Violations shall be deemed to be continuing in nature until the area where the violations occurred is fully restored to the condition it was in prior to the violations; provided, that the city, in its discretion, may suspend the accrual of daily penalties if the property owner is actively and diligently implementing a city-approved restoration plan. The costs of restoration shall not be more than the appraised value of the significant trees removed, according to the most recent edition of the Guide for Plant Appraisal.

(c) In addition to the costs of restoration, the amount of the monetary penalty per day for violation is as follows:

- (1) First violation: two hundred dollars.
- (2) Second violation: four hundred dollars.
- (3) Third violation: six hundred dollars.

(d) Payment of a monetary penalty under this chapter does not relieve a person of the duty to correct the violation as ordered by the applicable department director. (Ord. 3866 § 1 (part), 2002)

**19.36.060-020 Issuance of notice of violation.**

If the applicable department director, or his or her designee, determines that any person has violated this chapter, he or she may issue a notice of violation. The notice of violation shall state:

- (a) The name and address of the person to whom the notice of violation is directed;
- (b) The street address or a description of the land sufficient for identifying where the violation occurred;
- (c) A description of the violation and a reference to the provision of this chapter that has been violated;
- (d) A statement of the action required to be taken to correct the violation and a date and time by which the correction is to be completed no less than seven days after issuance of the notice of violation; and
- (e) A statement of the monetary penalty for each day on which the violation continues after the date set for correction.

The city shall serve the notice of violation on the person charged with violating this chapter personally or by certified mail. (Ord. 3866 § 1 (part), 2002)

**19.36.070-030 Issuance of notice of civil infraction.**

If a violation is not corrected in the time specified in the notice of violation, the city may issue a notice of civil infraction to the person charged with violating this chapter. The notice of civil infraction shall include the following:

- (a) The name and address of the person to whom the notice of civil infraction is directed;
- (b) The street address or a description of the land sufficient for identifying where the violation occurred;
- (c) A description of the violation and a reference to the provision of this chapter that has been violated;
- (d) A statement that the monetary penalty in the amount per day for each violation, as set forth in the notice of violation, is assessed against the person to whom the notice of civil infraction is issued; and
- (e) A statement that the person to whom the notice of civil infraction was directed must complete correction of the violation and may pay the monetary penalty imposed to the city or may appeal the notice of civil infraction as provided in this chapter.

A notice of civil infraction represents a determination that a civil infraction has been committed. The determination is final unless appealed as provided in this chapter. The city shall serve the notice of violation on the person charged with violating this chapter personally or by certified mail. (Ord. 3866 § 1 (part), 2002)

**19.36.080-040 Civil infraction appeal procedures.**

(a) A person to whom a notice of civil infraction is directed may appeal the determination that a violation exists or the amount of any monetary penalty to the hearing examiner. A written notice of appeal must be filed with the city within seven calendar days from the date of service of the notice of civil infraction. The office of the hearing examiner shall give notice of the hearing of the appeal no less than seventeen calendar days prior to the hearing date.

(b) The hearing examiner shall conduct a hearing on the appeal pursuant to the rules of procedure provided by the Administrative Procedure Act, Chapter 34.05 RCW, as well as any procedural rules and guidelines promulgated by the hearing examiner. The city and the

appellant may participate as parties in the proceedings and each may call witnesses. The city shall have the burden of proving by a preponderance of the evidence that a violation has occurred.

(c) The hearing examiner shall determine whether the city has proven by a preponderance of the evidence that a violation has occurred and shall affirm, vacate, suspend or modify the amount of any monetary penalty with or without written conditions. The monetary penalty does not accrue during the pendency of the appeal; provided, that if the hearing examiner finds that the appeal is frivolous or intended solely to delay compliance, he or she may impose a daily monetary penalty from the date of service of the notice of civil infraction. The hearing examiner's decision shall be the city's final administrative ruling. The hearing examiner shall mail a copy of his decision to the appellant by certified mail, postage prepaid, return receipt requested.

(d) The monetary penalty is the personal obligation of the person to whom the notice of civil infraction was directed. Any monetary penalty assessed shall be paid to the city clerk within seven days of issuance of the notice of civil infraction, or, if an appeal was filed, within seven days of the hearing examiner's decision. The city attorney is authorized to collect the monetary penalty by use of appropriate legal remedies, the seeking or granting of which shall not stay or terminate accrual of additional per-day monetary penalties so long as the violation continues. (Ord. 3866 § 1 (part), 2002)

**19.36.~~090-050~~ Criminal penalties for willful violations.**

Any willful violation of this chapter is a gross misdemeanor punishable by imprisonment for not more than one year, or by a fine of not more than five thousand dollars, or both. The city may also seek criminal restitution for all costs and expenses incurred in replacing or restoring any trees and landscaping that were damaged or removed as a result of the violation. (Ord. 3866 § 1 (part), 2002)

**19.36.~~110-060~~ Remedies not exclusive.**

The remedies prescribed in this chapter are in addition to all other remedies provided for or authorized by law, including, but not limited to, RCW 64.12.030 which provides for treble damages for unlawful removal of trees. (Ord. 3866 § 1 (part), 2002)

If it is determined that the electronic readerboard constitutes a traffic hazard for any reason, the Planning Director may impose additional conditions.

## Chapter 95 – Tree Management and Required Landscaping

95.10

### Definitions

The following definitions shall apply throughout this chapter unless the context clearly indicates otherwise. Definitions that apply throughout this code are also located in Chapter 5 KZC.

Caliper – Limit of Disturbance (no change)

→ Qualified Professional – An individual with relevant education and training in arboriculture or urban forestry. The individual must be an arborist certified by the International Society of Arboriculture (ISA) or a registered consulting arborist from the American Society of Consulting Arborists and for Forest Management Plans may be a certified forester by the Society of American Foresters. A qualified professional must possess the ability to perform tree risk assessments and prescribe appropriate measures necessary for the preservation of trees during land development. In addition, arborists making recommendations for tree removals within critical areas must have Tree Risk Assessor certification as established by the Pacific Northwest Chapter of the ISA or equivalent qualifications. For Forest Management Plans, the qualified professional must have the ability to assess wooded sites and prescribe measures for forest health and safety.

Significant Tree – Windfirm (no change)

95.35.2.b Tree Plan and Retention Requirements. (no change)

1) Tree Plan I. Tree Plan I is required for a development permit or land surface modification resulting in site disturbance for one or two attached, detached, or stacked dwelling units.

a) (no change)

b) Tree Plan Requirements. The tree plan shall include the following:  
i.-v. (no change)

vi. For Tree Plan I – Major, assessment a report by a qualified professional that contains findings, conclusions and recommendations shall be required if any significant trees are in required yards or within 10 feet of any side property line on the subject property.

c), d), e) (no change)

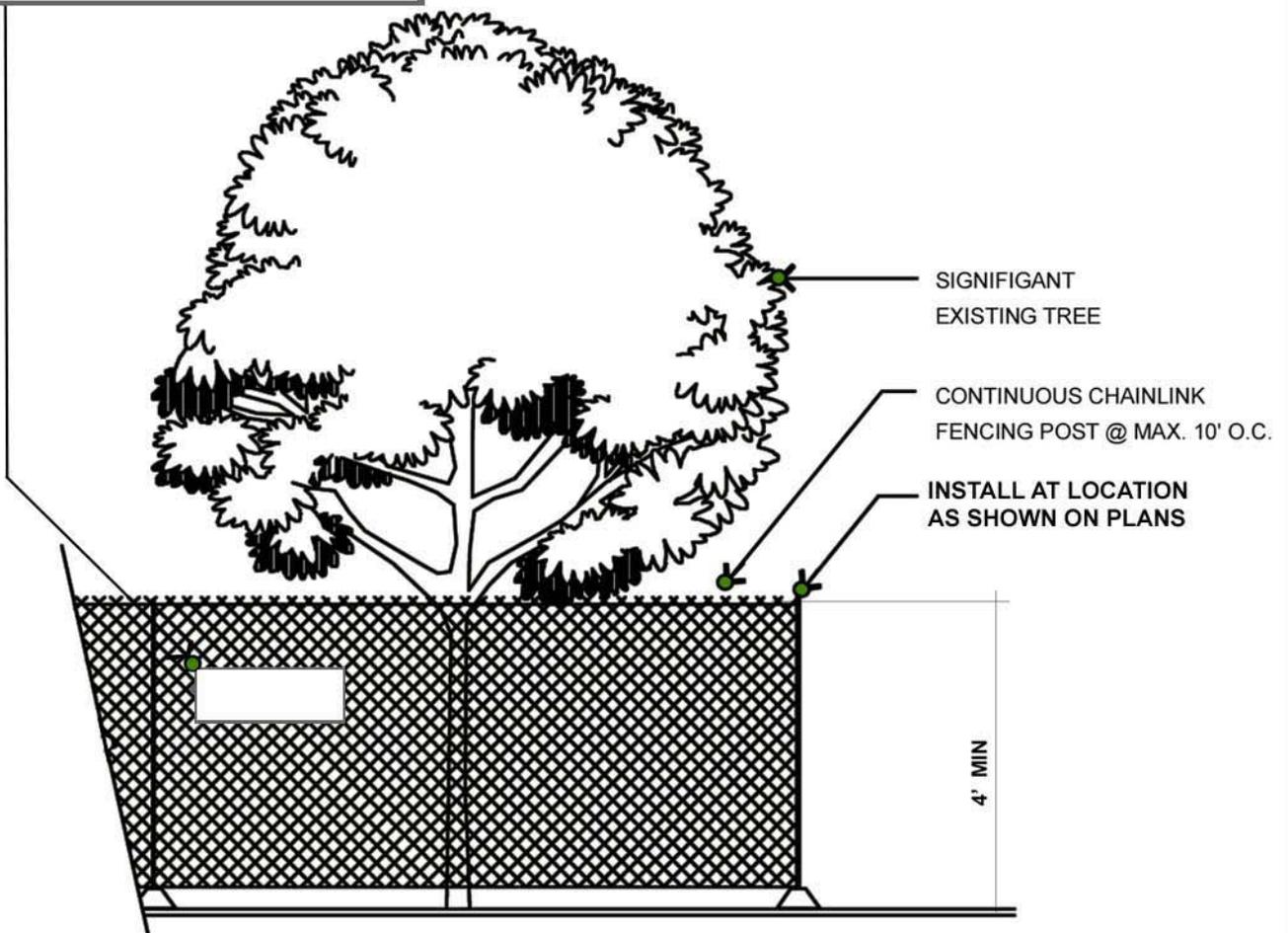
2)-5) (no change)

95.35.3.c With respect to Level IV and Level V Tree Plans, an applicant may appeal an adverse determination to the Hearing Examiner. A written notice of appeal shall be filed with the Planning Department within 14 calendar days following the ~~postmark~~ date of distribution of a Planning Official's decision. The office



FENCING SIGN DETAIL

Tree Protection Area, Entrance Prohibited  
To report violations contact  
City Code Enforcement  
at (425)587-3225



1. MINIMUM FOUR (4) FOOT HIGH TEMPORARY CHAINLINK FENCE SHALL BE PLACED AT THE CRITICAL ROOT ZONE OR DESIGNATED LIMIT OF DISTURBANCE OF THE TREE TO BE SAVED. FENCE SHALL COMPLETELY ENCIRCLE TREE (S). INSTALL FENCE POSTS USING PIER BLOCK ONLY. AVOID POST OR STAKES INTO MAJOR ROOTS. MODIFICATIONS TO FENCING MATERIAL AND LOCATION MUST BE APPROVED BY PLANNING OFFICIAL.
2. TREATMENT OF ROOTS EXPOSED DURING CONSTRUCTION: FOR ROOTS OVER ONE (1) INCH DIAMETER DAMAGED DURING CONSTRUCTION, MAKE A CLEAN STRAIGHT CUT TO REMOVE DAMAGED PORTION OF ROOT. ALL EXPOSED ROOTS SHALL BE TEMPORARILY COVERED WITH DAMP BURLAP TO PREVENT DRYING, AND COVERED WITH SOIL AS SOON AS POSSIBLE.
3. NO STOCKPILING OF MATERIALS, VEHICULAR TRAFFIC, OR STORAGE OF EQUIPMENT OR MACHINERY SHALL BE ALLOWED WITHIN THE LIMIT OF THE FENCING. FENCING SHALL NOT BE MOVED OR REMOVED UNLESS APPROVED BY THE CITY PLANNING OFFICIAL. WORK WITHIN PROTECTION FENCE SHALL BE DONE MANUALLY UNDER THE SUPERVISION OF THE ON-SITE ARBORIST AND WITH PRIOR APPROVAL BY THE CITY PLANNING OFFICIAL.
4. FENCING SIGNAGE AS DETAILED ABOVE MUST BE POSTED EVERY FIFTEEN (15) FEET ALONG THE FENCE.



**TREE PROTECTION  
FENCING DETAIL**

# **TREE PROTECTION AREA**

**Entrance Prohibited**

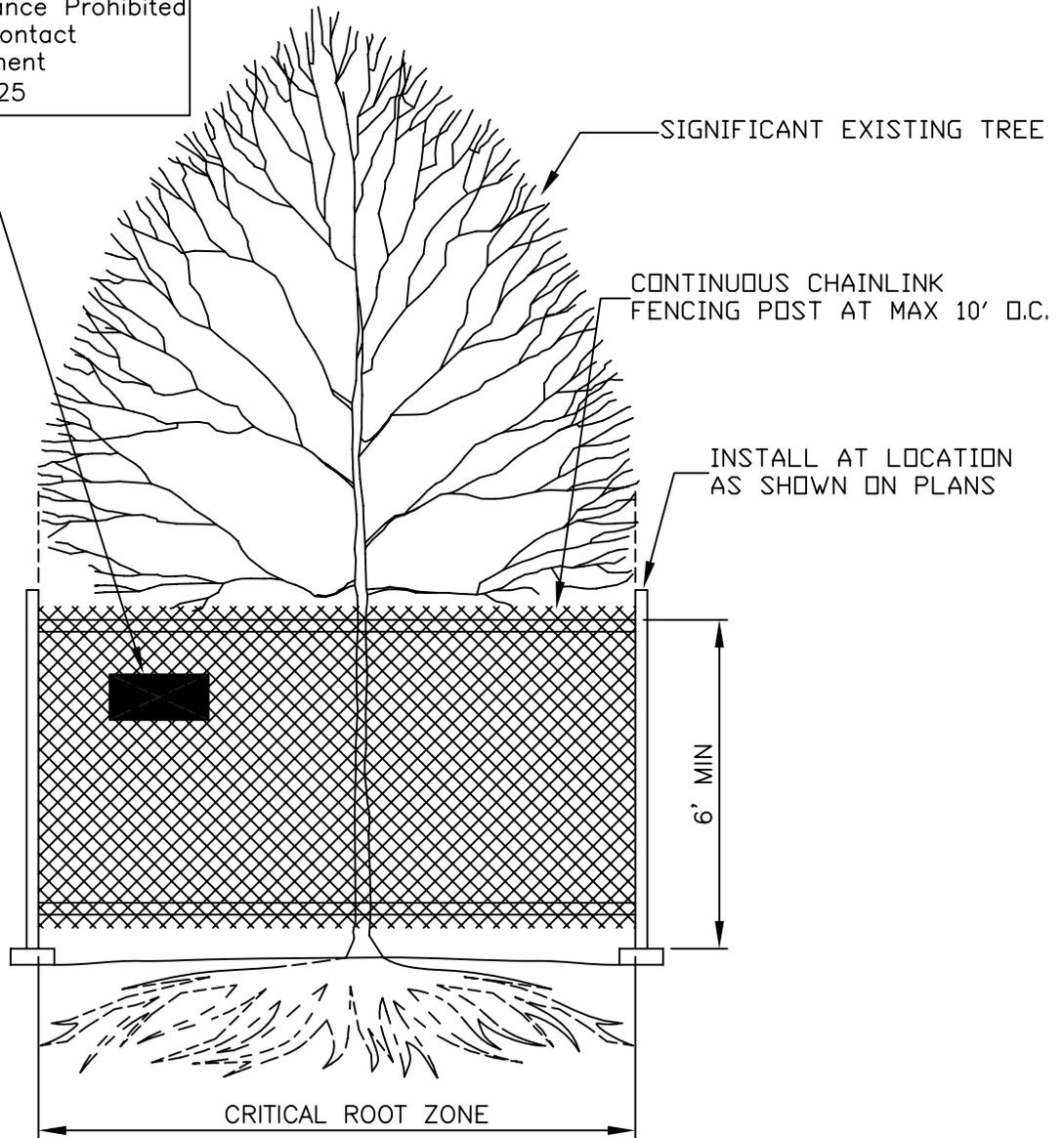
**To report violations contact**

**City Code Enforcement**

**At (425) 587-3225**

FENCING SIGN DETAIL

Tree Protection Area, Entrance Prohibited  
 To report violations contact  
 City Code Enforcement  
 at (425) 587-3225



NOTES

1. MINIMUM SIX (6) FOOT HIGH TEMPORARY CHAINLINK FENCE SHALL BE PLACED AT THE CRITICAL ROOT ZONE OR DESIGNATED LIMIT OF DISTURBANCE OF THE TREE TO BE SAVED. FENCE SHALL COMPLETELY ENCIRCLE TREE(S). INSTALL FENCE POSTS USING PIER BLOCK ONLY. AVOID POST OR STAKES INTO MAJOR ROOTS. MODIFICATIONS TO FENCING MATERIAL AND LOCATION MUST BE APPROVED BY PLANNING OFFICIAL.
2. TREATMENT OF ROOTS EXPOSED DURING CONSTRUCTION: FOR ROOTS OVER ONE (1) INCH DIAMETER DAMAGED DURING CONSTRUCTION, MAKE A CLEAN STRAIGHT CUT TO REMOVE DAMAGED PORTION OF ROOT. ALL EXPOSED ROOTS SHALL BE TEMPORARILY COVERED WITH DAMP BURLAP TO PREVENT DRYING, AND COVERED WITH SOIL AS SOON AS POSSIBLE.
3. NO STOCKPILING OF MATERIALS, VEHICULAR TRAFFIC, OR STORAGE OF EQUIPMENT OR MACHINERY SHALL BE ALLOWED WITHIN THE LIMIT OF THE FENCING. FENCING SHALL NOT BE MOVED OR REMOVED UNLESS APPROVED BY THE CITY PLANNING OFFICIAL. WORK WITHIN PROTECTION FENCE SHALL BE DONE MANUALLY UNDER THE SUPERVISION OF THE ON-SITE ARBORIST AND WITH PRIOR APPROVAL BY THE CITY PLANNING OFFICIAL.
4. FENCING SIGNAGE AS DETAILED ABOVE MUST BE POSTED EVERY FIFTEEN (15) FEET ALONG THE FENCE. SIGN TO BE MINIMUM 11"X17", AND MADE OF WEATHERPROOF MATERIAL.

CITY OF KIRKLAND

PLAN NO. CK-R.49



TREE  
 PROTECTION