CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033
425.587.3225 - www.kirklandwa.gov

ADVISORY REPORT
FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

To: Kirkland Hearing Examiner

From: Scott Guter, Project Planner

Date: January 5, 2015

Subject: APPEAL OF CITY'S DECISION OF TREE REMOVAL PERMIT NO. TRE14-01280

Hearing Date and Place: Thursday, January 15, 2015, 9:00 a.m.
City Hall Council Chamber
123 Fifth Avenue, Kirkland

I. INTRODUCTION

A. Appellant: Alice Blanchard, 11531 Holmes Point Dr. NE (see Attachment A)

B. Action Being Appealed: The Planning Official decision to deny the removal of two significant trees, an 18.5" Deodar Cedar and an 8" white oak (see Attachment B). These trees are labeled #1 and #2, respectively, on the site plan included as Attachment C. The appellant requested to remove these trees together with five other significant trees with permit number TRE12-01694 (see Attachment D). Appeal of this action is allowed under Kirkland Zoning Code (KZC) Section 95.23.4(b) (see Attachment E).

C. Issues Raised in Appeal: The appellant disputes the Planning Official's decision and the applicability of Kirkland Zoning Code (KZC) Chapter 70 (Holmes Point Overlay) (see Attachment E).

II. RULES FOR THE APPEAL HEARING AND DECISION

Conduct the appeal hearing on January 15, 2015. Take oral comments from parties entitled to participate in the appeal as defined in Kirkland Zoning Code (KZC) 95.23.4(b). Decide to:

A. Affirm the decision being appealed; or
B. Reverse the decision being appealed; or
C. Modify the decision being appealed.

The decision by the Hearing Examiner is the final decision of the City.

III. HEARING SCOPE AND CONSIDERATIONS

KZC 95.23.4(b) states that the applicant has the burden of proving that the City made an incorrect decision (see Attachment F).

IV. BACKGROUND & SITE DESCRIPTION

A. Site Location: 11531 Holmes Point Dr. NE (see Attachment A).
B. Zoning and Land Use: The property is zoned RSA 6, a low density residential zoning designation within the Holmes Point Overlay. The property is also located along the shoreline with the R-L (E), Residential – Low Shoreline Environment and within a high landslide area.
C. Proposal: The applicant submitted a tree removal permit, Permit TRE14-01280, on March 11, 2014 (see Attachment D). On April 30, 2014, the City conditionally approved the permit application and allowed the removal of three trees that were identified as hazard trees (a Western Red Cedar (Tree #3), and two Lombardy poplars (Tree #4 & #5)) (see Attachment B). The City denied the removal of the remaining trees, including Trees #1 and #2 (see Attachment C). Approval for removal of the three hazard trees was based on compliance with KZC Section 95.23.5(d). Denial of the removal of Trees #4 and #5 was based on noncompliance with KZC Sections 70.15.3(a) and 70.15.6(b) (see Attachment G).
D. Code in Effect: Attachments F and G contain copies of the relevant Sections of KZC 70 and 95 that were in effect at the time of the permit application. Those Sections have subsequently been amended by Ordinance 4437, in part to clarify the relationship between the two Chapters.

V. STAFF ANALYSIS OF ISSUES RAISED IN THE APPEAL

Following is staff's analysis of the Zoning Code requirements related to tree removals and the issues raised in the appeal.

A. Tree removal in Kirkland may be regulated under multiple chapters of the Kirkland Zoning Code, depending on the location of the subject property. In this case, the City reviewed the permit application for compliance with the regulations contained in Chapter 70 (Holmes Point Overlay Zone), Chapter 83 (Shoreline Management), and Chapter 95 (Tree Management and Required Landscaping).
B. KZC 170.50.1 provides that if provisions of the Code are in conflict, the most restrictive provision or the provision imposing the highest standard prevails.
C. KZC 95.23.5 provides the conditions under which the owner of a developed property may remove up to two trees per year. The City concurs with the appellant that the proposal to remove three hazard trees (#3, #4, #5) and two significant trees (#1, #2) would likely comply with the provisions of KZC 95.23.5. However, there is a conflict between KZC Chapter 95 and KZC Chapter 70. Specifically, the provisions of this chapter state that areas not covered by buildings and other impervious surfaces may be used for garden, lawn, or landscaping but requires that all significant trees must be retained and maintained in an undisturbed state (see Section 70.15.3(a). In addition, Section 70.15.6 provides that areas not covered by impervious surfaces or altered pursuant to the allowances of Chapter 70 shall be maintained in an undisturbed state. Subsection (a) provides an exception for hazardous trees that was applied to trees #3, #4, and #5.
D. KZC Chapter 70 contains more restrictive regulations regarding tree removal for purposes of "providing an increased level of protection for the Holmes Point area" (KZC 70.05).
E. The Planning Department requires owners within the Holmes Point Overlay requesting to remove trees to submit documentation that trees are hazardous, whether with a permit or through photographs submitted with a tree removal notification prior to the removal of trees.
F. The City's contract arborist reviewed the arborist report submitted with the tree removal permit application and conducted a field inspection. The City's arborist reviewed the removal request based on removal allowances permitted by Kirkland Zoning Code

sections listed above.

G. In order for the City's arborist to consider the Deodar Cedar and white oak a hazard, the trees would need to meet the all of following criteria of a Hazard Tree, per KZC 95.10.7:
   1. A tree with a combination of structural defects and/or disease which makes it subject to a high probability of failure;
   2. Is in proximity to moderate to high frequency targets (persons or property that can be damaged by tree failure); and
   3. The hazard condition of the tree cannot be lessened with reasonable and proper arboricultural practices nor can the target be removed.

   Since the Deodar Cedar (#1) and white oak (#2) were not addressed in the applicant's arborist report submitted with the permit, the City's arborist could not categorize the trees as hazards.

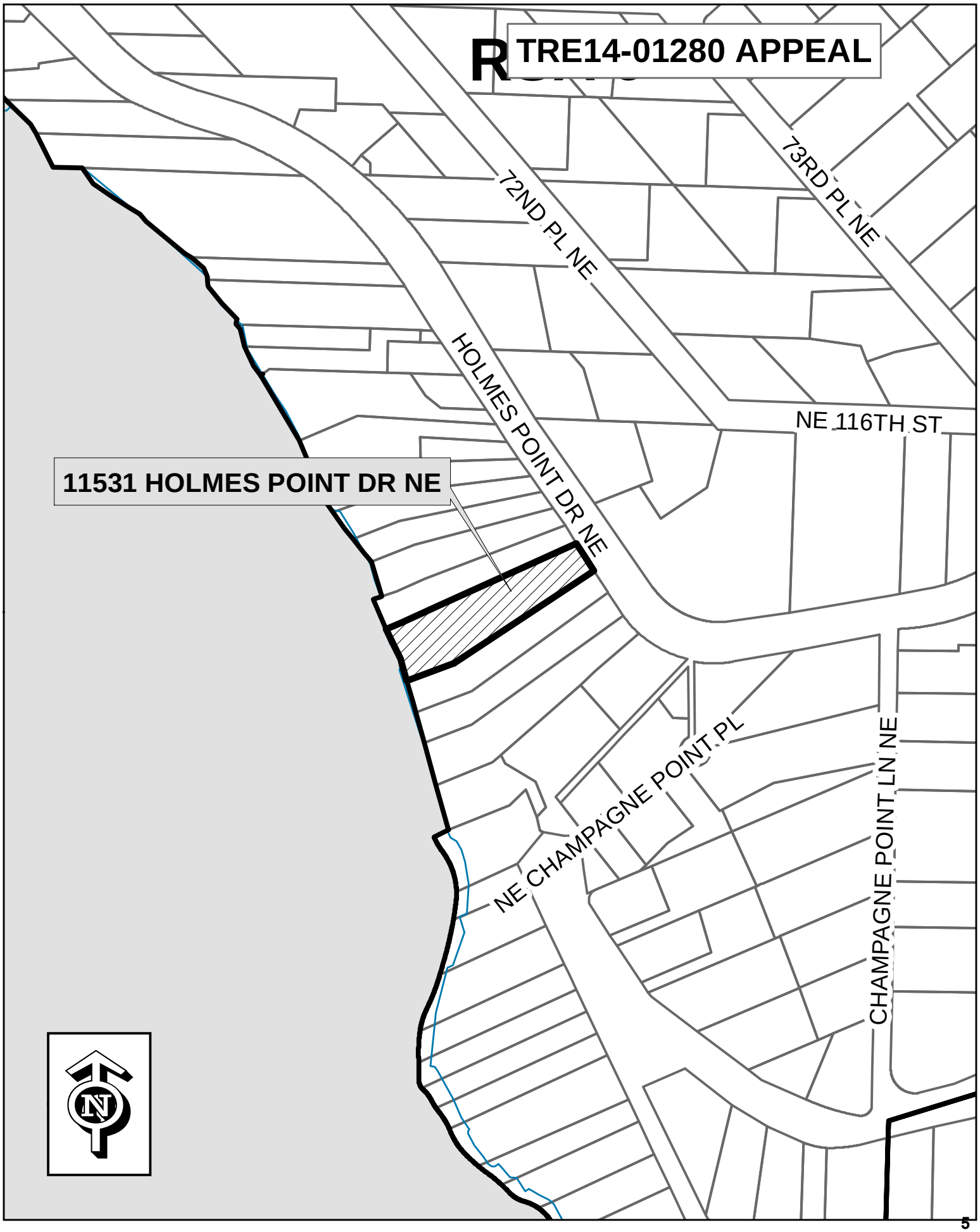
H. The letter of appeal (Attachment E) contends that KZC Chapter 70 does not apply to the tree removal permit application because the site is not proposed for development at this time. If staff understands this contention correctly, the appellant is reading the term "development" in KZC Chapter 70 as a verb (e.g. – applicable to sites being actively developed). However, the City applies the provisions of Chapter 70 to both the verb form of "development" (to review of development applications) and the noun form of "development" (to sites that have development on them). Section 70.15.6 verifies this context because it specifically list exceptions to the requirements of Chapter 70 that could clearly apply to both sites that are proposed for development and sites that are already developed.

VI. RECOMMENDATION

Staff recommends that the Hearing Examiner uphold the Planning Official decision for Tree Permit TRE14-01280.

VII. ATTACHMENTS

Attachment A – Vicinity Map
Attachment B – TRE14 -01280, Tree Removal Permit City Decision and Supporting Information
Attachment C – Site Plan Illustrating Trees Requested for Removal
Attachment D – TRE14-01280, Tree Removal Permit Application and Supporting Information
Attachment E – Letter of Appeal form Alice Blanchard received May 14, 2014
Attachment F – Kirkland Zoning Code Section 95.23 (in effect in July 22, 2013)
Attachment G – Kirkland Zoning Code Section 70 (in effect in June 1, 2011)


TRE14-01280 APPEAL
72ND PL NE
73RD PL NE
HOLMES POINT DR NE
NE 116TH ST
11531 HOLMES POINT DR NE
NE CHAMPAGNE POINT PL
CHAMPAGNE POINT LN NE
N

Dawn Nelson

From: Dawn Nelson
Sent: Friday, April 18, 2014 2:22 PM
To: 'ablanchardlaw@whidbey.com'
Cc: Scott Guter
Subject: RE: TRE14-01280 BLANCHARD
Attachments: TRE14-01280 SITE PLAN.pdf

Dear Ms. Blanchard,

The City has completed its review of your tree removal and pruning request at 11531 Holmes Point Drive NE dated April 4, 2014. Based on the regulations in Kirkland Zoning Code Chapter 70 (Holmes Point Overlay), Section 83.400 (Tree Management and Vegetation in Shoreline Setback) and Section 95.23 (Tree Removal - Not Associated with Development Activity), the following chart outlines the City's approval based on your request. Please note that Trees #1 and #2 may not be removed at this time because they are not identified as hazard trees and the regulations in the Holmes Point Overlay prohibit removal of trees unless they are hazardous (see KZC Sections 70.15.3.a and 70.15.6.a).

Significant Trees:	Remove - Hazard	Remove - Nuisance	Remove – 2 per 12 month allowance	Major pruning to reduce hazard and keep tree*
Tree #1 – 18.5" Deodar Cedar (southern or two Deodar cedars)	No	N/A	N/A	No
Tree #2 – 8" white oak	No	N/A	N/A	No
Tree #3 – Western Red Cedar south of cabin	Yes	No	No	Yes, remove dead top or create wildlife/habitat snag and monitor
Tree #4 – north waterfront Lombardy poplar	Yes	No	No	Optional but recommend remove and replace
Tree #5 – south waterfront Lombardy poplar	Yes	No	No	Optional but recommend remove and replace
Tree #6 – northern birch	No	N/A	N/A	Yes, remove dead tops and monitor
Tree #7 – southern birch	No	N/A	N/A	Yes, remove dead tops and monitor

Conditions of Approval:

1. Pursuant to the requirements of KZC 83.400, a tree replacement plan must be submitted prior to snagging of Tree #3 or the removal of Trees #4 and #5. Because each of these trees is greater than 24 inches in diameter as measured at breast height, two trees are required to be planted within the shoreline setback for the property for each tree that is snagged or removed. At least two of the trees must be native conifers that are at least 6 feet tall at planting. Deciduous trees must be at least 2 inches in caliper at the time of planting. The shoreline setback is depicted on the attached site plan.

2. Snagged trees must be girdled, following standard arboricultural practices, to prevent future canopy growth.

3. Replacement trees must be planted prior to January 31, 2014. Preferred planting seasons are prior to May 31st or after September 30th.

Please let me know if you have any questions.

Dawn Nelson
Planning Supervisor | City of Kirkland | Planning and Community Development
425-587-3230 | dnelson@kirklandwa.gov | http://www.kirklandwa.gov

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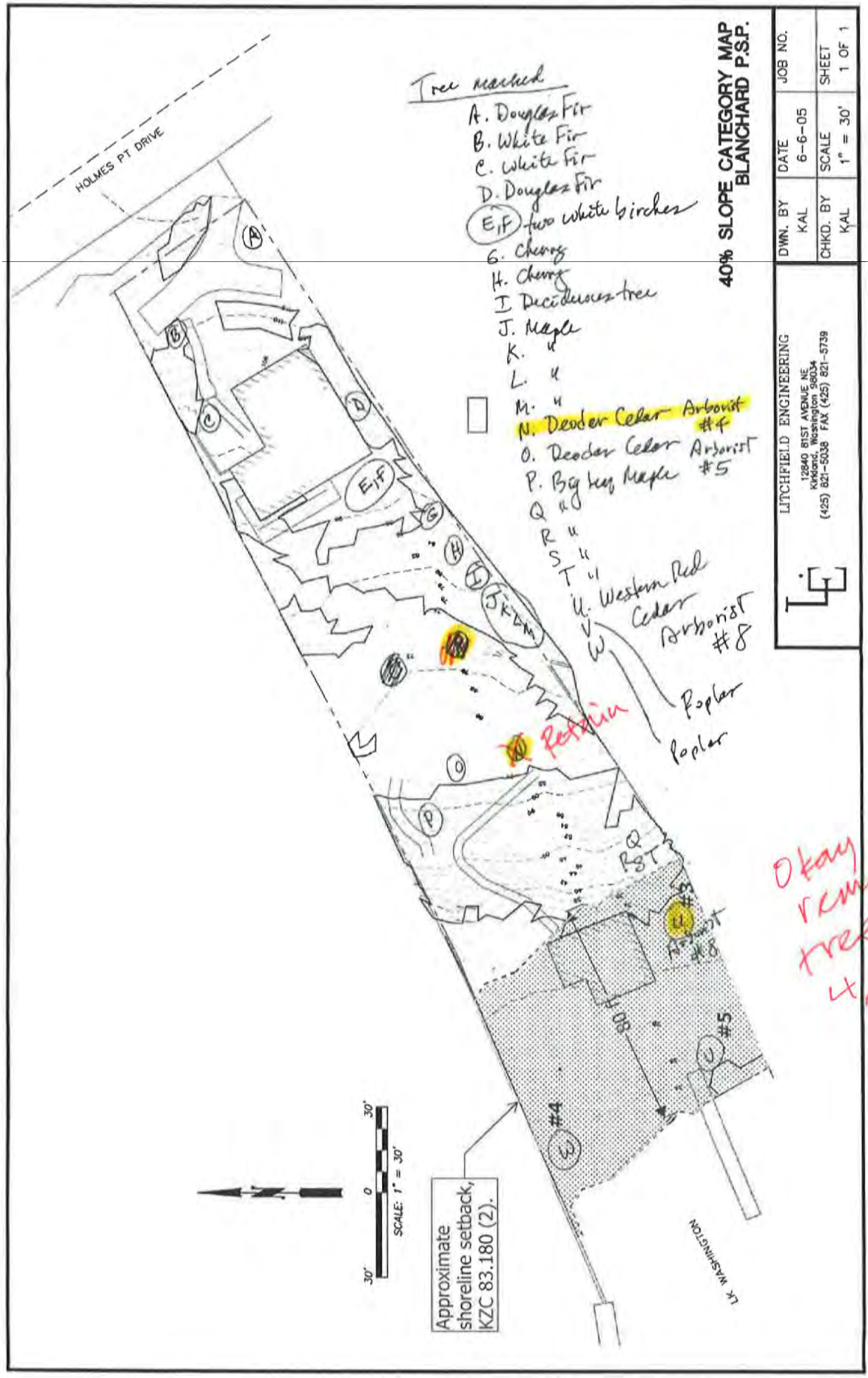
From: Alice L. Blanchard [mailto:ablanchardlaw@whidbey.com]
Sent: Friday, April 04, 2014 2:36 PM
To: Scott Guter
Cc: Alice L. Blanchard
Subject: RE: TRE14-01280 BLANCHARD

Dear Scott:

I'm forwarding to you my revised request for the above-referenced tree permit, along with Gillis Consulting's 4/3/2014 updated report. I'm not sure how your process works from this point forward, but I would be pleased to set up with an appointment with your contract arborist as soon as possible, and I am available on the weekends to meet with that person if a weekend appointment would fit his/her schedule. My contact information is cell phone: 425-864-1264 and office phone: 360-221-7040. Please feel free to pass along my contact information to the arborist who will be dealing with this particular permit request.

Thank you for your patience in waiting for additional information. Brian Gillis was tied up with testifying as an expert witness, and it took longer than we both expected for him to complete his report.

Alice L. Blanchard


40% SLOPE CATEGORY MAP
BLANCHARD P.S.P.
DWN. BY KAL
DATE 6-6-05
JOB NO.
CHKD. BY KAL
SCALE 1" = 30'
SHEET 1 OF 1
LITCHFIELD ENGINEERING
12840 81ST AVENUE NE
Kirkland, Washington 98034
(425) 821-5038 FAX (425) 821-5739
HOLMES PT DRIVE
Tree marked
A. Douglas Fir
B. White Fir
C. White Fir
D. Douglas Fir
E, F two white birches
G. Cherry
H. Cherry
I. Deciduous tree
J. Maple
K. "
L. "
M. "
N. Deodar Cedar Arborist #4
O. Deodar Cedar Arborist #5
P. Big leaf Maple
Q "
R "
S "
T "
U. Western Red Cedar Arborist #8
V Poplar
W Poplar
Petition
Approximate shoreline setback, KZC 83.180 (2).
SCALE: 1" = 30'
30' 0 30'
LK WASHINGTON
Okay to remove trees #3, 4, +5

Dawn Nelson

From: Scott Guter
Sent: Wednesday, April 16, 2014 3:55 PM
To: Dawn Nelson
Subject: FW: TRE14-01280 BLANCHARD
Attachments: TRE14-01280 SITE PLAN.pdf

From: Scott Guter
Sent: Friday, April 11, 2014 2:46 PM
To: Tom Early
Subject: RE: TRE14-01280 BLANCHARD

Scott Guter, LEED AP
phone 425.587.3247 / fax: 425.587.3232

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Check out Kirkland's NEW Interactive Mapping Portal City of Kirkland Washington - Interactive Mapping Portal - Maps.Kirklandwa.Gov
Check the status of your permit online at: www.mybuildingpermit.com. Please don't print this e-mail unless you really need to. Reduce, Reuse, Recycle.

From: Tom Early
Sent: Wednesday, April 09, 2014 11:49 AM
To: Scott Guter
Subject: RE: TRE14-01280 BLANCHARD

Hi Scott,
Bottom line on this one is that I'd let them remove/replace the two Lombardy poplars or even do major pruning. I don't see a problem with wildlife/habitat snagging the western red cedar next to the waterfront cabin either, it's not a big risk but with the poplars reduced/gone it will be slightly more exposed and it is strongly targeting the cabin with its lean/dead limbs/rotten trunk. The rest of the removals are unsubstantiated because the arborist report doesn't address the trees. Let me know if I'm missing something big, like a different arborist report. The one I have is dated April 3, 2014 from Brian Gilles.
Thanks -Tom

PS -- I'll be away from the office April 14 through 18.

Tom Early | Kirkland On-Call Arborist
Landscape Architect | ISA Certified Arborist
ISA Tree Risk Assessment Qualified | LEED AP BD+C
425.250.5346

From: Tom Early
Sent: Friday, April 04, 2014 4:02 PM

To: Scott Guter
Subject: RE: TRE14-01280 BLANCHARD

I'll get out there Monday. Thanks -Tom

PS -- I'll be away from the office April 14 through 18.

Tom Early | Kirkland On-Call Arborist
Landscape Architect | ISA Certified Arborist
ISA Tree Risk Assessment Qualified | LEED AP BD+C
425.250.5346

From: Scott Guter
Sent: Friday, April 04, 2014 3:08 PM
To: Tom Early
Subject: FW: TRE14-01280 BLANCHARD

Tom,

You can start reviewing this tree permit. It's been on hold until the City received the updated tree information.

Scott Guter, LEED AP
phone 425.587.3247 / fax: 425.587.3232

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Check the status of your permit online at: www.mybuildingpermit.com. Please don't print this e-mail unless you really need to. Reduce, Reuse, Recycle.

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From: Alice L. Blanchard [mailto:ablanchardlaw@whidbey.com]
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To: Scott Guter
Cc: Alice L. Blanchard
Subject: RE: TRE14-01280 BLANCHARD

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I'm forwarding to you my revised request for the above-referenced tree permit, along with Gillis Consulting's 4/3/2014 updated report. I'm not sure how your process works from this point forward, but I would be pleased to set up with an appointment with your contract arborist as soon

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Permit Number: TRE14-01280
Assigned Planner: SCOTT GUTER

TREE DATA SHEET

At least two trees to remain on-site: Yes ☒ No ☐

Replacement Trees Required: 6 (Tree and vegetation management within shoreline setback below)

Area of Shoreline Vegetation Required: YES

Most trees removed from critical areas, NGPEs, and the last 2 trees on a property removed have a 1:1 replacement requirement. Shoreline replacement requirements can be tricky; work with the Planner on these.

Significant Trees:	Hazard	Nuisance	2-per 12 month allowance	Major pruning to reduce hazard and keep tree*
Tree #1 – 18.5" Deodar Cedar (southern or two Deodar cedars)	No	N/A	N/A	No
Tree #2 – 8" white oak	No	N/A	N/A	No
Tree #3 – Western Red Cedar south of cabin	Yes	No	No	Yes, remove dead tops or create wildlife/habitat snag and monitor
Tree #4 – north waterfront Lombardy poplar	Yes	No	No	Optional but recommend remove and replace
Tree #5 – south waterfront Lombardy poplar	Yes	No	No	Optional but recommend remove and replace
Tree #6 – northern birch	No	N/A	N/A	Yes, remove dead tops and monitor
Tree #7 – southern birch	No	N/A	N/A	Yes, remove dead tops and monitor

*Major pruning would be removal of greater than 25% canopy in order to remove a defect or diseased portion of the tree, which would reduce the hazard to an 8 or less on the overall risk rating using the TRACE hazard assessment.

There are two hazardous trees on-site, trees #3, 4 and 5. The two Lombardy poplars on the waterfront. If removal is allowed and selected for these trees, they should be replaced. Replacement trees should comply with Kirkland's SMP requirements. Otherwise, major pruning to reduce the risk per arborist report recommendations is acceptable.

Tree #3 may be severely pruned to create a habitat snag in order to reduce its risk to the adjacent cabin. It is not in an exposed position but the removal or major pruning to the Lombardy poplars will increase its exposure to wind.
Trees #1, 2, 6 and 7 are not addressed by the submitted arborist report. The arborist report discusses two Lombardy poplars, a grand fir and the western red cedar next to the waterfront cabin. Trees #6 and 7 are showing signs of Bronze Birch Borer infestation with canopy die-back from the upper most branches. A pruning approach of crown cleaning would remove these dead and dying branches to reduce the risk and provide the most aesthetically pleasing tree possible.

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Tree and vegetation management within shoreline setback (KZC 83.400)

1. Tree Retention – The following provisions shall apply to significant trees located within the shorelines jurisdiction, in addition to the provisions contained in Chapter 95 KZC. Provisions contained in Chapter 95 KZC that are not addressed in this section continue to apply.

To maintain the ecological functions that trees provide to the shoreline environment, significant trees shall be retained or, if removed, the loss of shoreline ecological functions shall be mitigated for, subject to the following standards:

a. No Development Activity – For tree removal in the shoreline setback when no development activity is proposed or in progress, the following tree replacement standards and requirements shall apply:

1) Healthy, diseased or nuisance trees that are removed or fallen trees in the shoreline setback shall be replaced as follows:

Removed Tree Type	Replacement Requirement
One (1) conifer or deciduous tree 24 inches in diameter or greater as measured at breast height	Only trees meeting the criteria found in Chapter 95 KZC for a nuisance or hazard tree may be removed. A report, prepared by a qualified professional certified arborist, must be submitted showing how the tree meets the criteria. The City arborist shall make the final determination if the tree meets the criteria and may be removed. If the City arborist approved removal of the tree, tree replacement shall be: For removal of one (1) conifer tree, replace with two (2) native conifer trees at least six (6) feet in height at the time of planting. For removal of one (1) deciduous tree, replace with two (2) trees of either type. Native conifer trees shall be at least six (6) feet in height and deciduous trees shall be at least two (2) inches in caliper measured six (6) inches above existing grade at the time of planting.

2) A tree removal request shall be submitted in writing to the City prior to any tree removal within the shoreline setback. The request shall include the location, number, type and size of tree(s) being removed and the proposed replacement tree(s) and riparian vegetation planting plan meeting the standards

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required in subsection (1)(a) of this section. The City shall inspect the tree replacement once installation is complete.

3) An alternative replacement option shall be approved if an applicant can demonstrate that:

a) It is not feasible to plant all of the required mitigation trees in the shoreline setback of the subject property, given the existing tree canopy coverage and location of trees on the property, the location of structures on the property, and minimum spacing requirements for the trees to be planted; or

b) The required tree replacement will obstruct existing views to the lake, at the time of planting or upon future growth that cannot otherwise be mitigated through tree placement or maintenance activities. The applicant shall be responsible for providing sufficient information to the City to determine whether the tree replacement will obstruct existing views to the lake.

The alternate replacement option must be equal or superior to the provisions of this section in accomplishing the purpose and intent of maintaining shoreline ecological functions and processes. This may include, but shall not be limited to, a riparian restoration plan consisting of at least 60 percent shrubs and some groundcovers selected from the Kirkland Native Plant List that shall equal at a minimum 80 square feet for each tree to be replanted. The applicant shall submit a planting plan to be reviewed by the Planning Official or Urban Forester, who may approve, approve with conditions, or deny the request.

If the alternative plan is consistent with the standards provided in this subsection, the Planning Official or Urban Forester shall approve the plan or may impose conditions to the extent necessary to make the plan consistent with the provisions. If the alternative mitigation is denied, the applicant shall be informed of the deficiencies that caused its disapproval so as to provide guidance for its revision and re-submittal.

4) In circumstances where the proposed tree removal includes a tree that was required to be planted as a replacement tree under the provisions of this subsection or as part of the required vegetation in the shoreline setback established in subsection (3) of this section, the required tree replacement shall be addressed under the provision below that requires only a 1:1 replacement.

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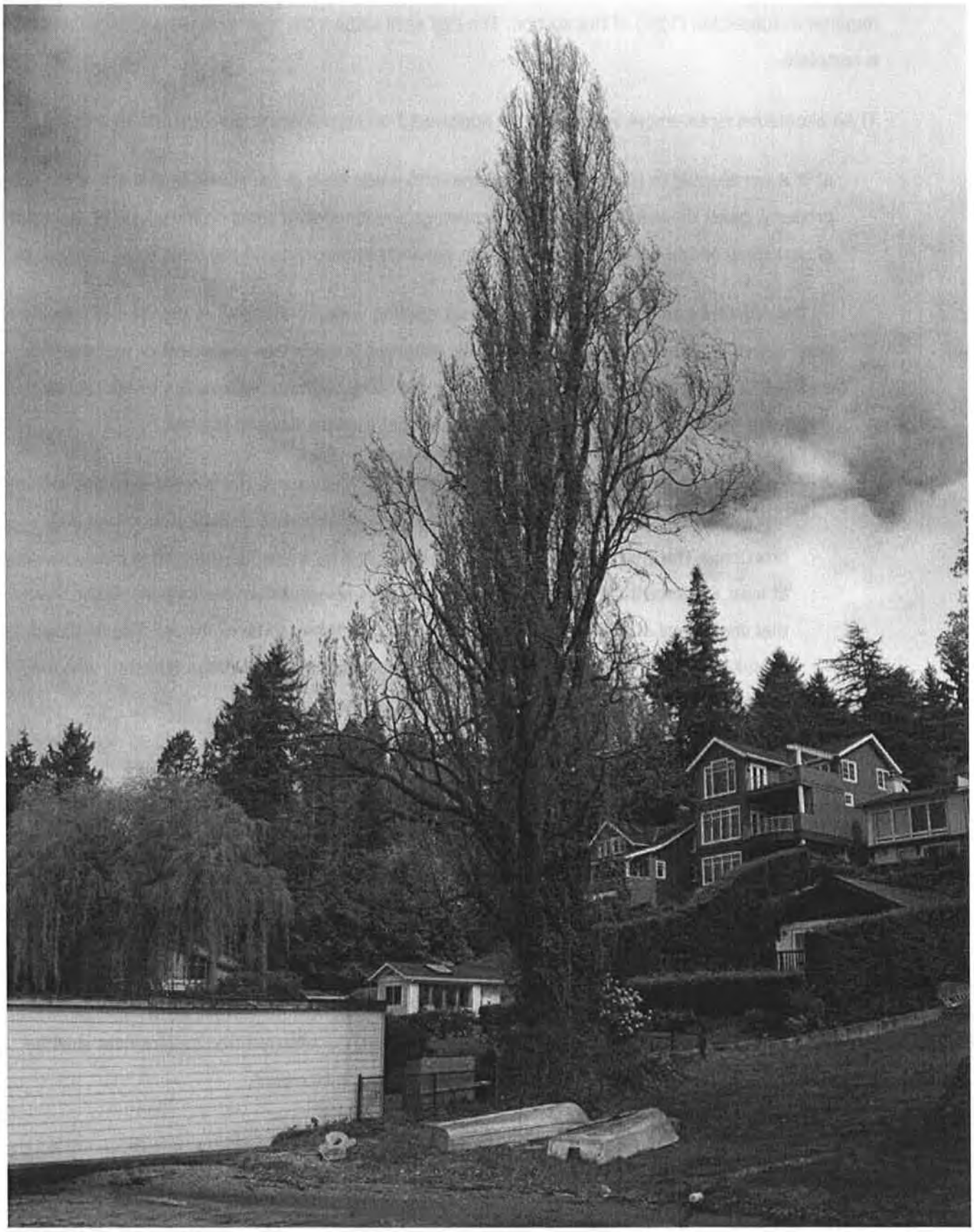

Tree #4

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123 Fifth Avenue, Kirkland, WA 98033 - (425) 587-3225
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I believe that this is the white oak (tree #2) proposed for removal. This tree is not addressed in the arborist report. While suppressed it is still healthy. Tree #1 is on the right.

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Tree #1 is the southernmost of the Deodar cedars. It has a split leader with included bark but is not addressed in the submitted arborist report. The northern Deodar cedar looks very good.

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Tree #5

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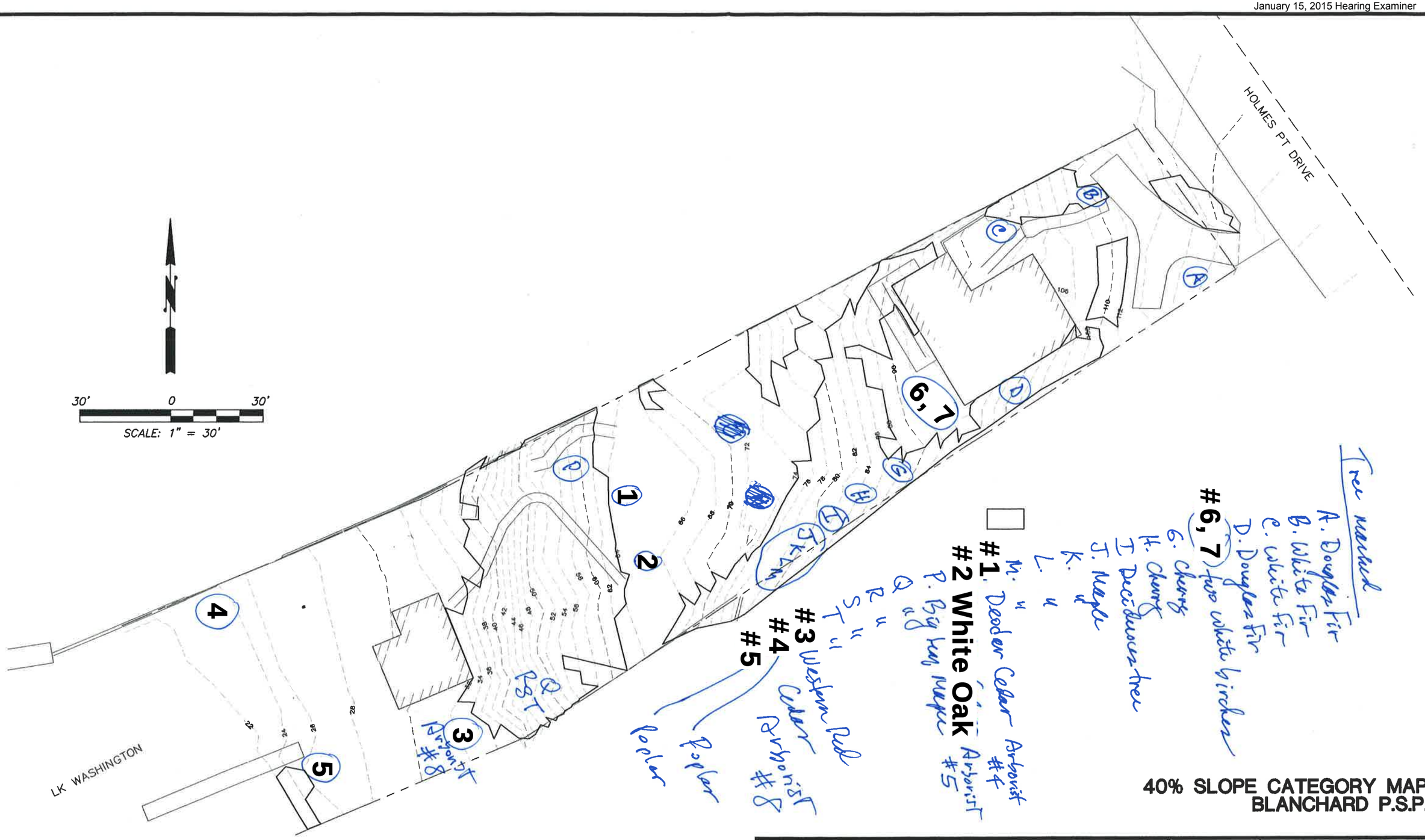
Trees #6 and 7 with upper canopy die-back, typical of Bronze Birch Borer infestation



40% SLOPE CATEGORY MAP
BLANCHARD P.S.P.

LITCHFIELD ENGINEERING
12840 81ST AVENUE NE
Kirkland, Washington 98034
(425) 821-5038 FAX (425) 821-5739

DWN. BY	DATE	JOB NO.
KAL	6-6-05	
CHKD. BY	SCALE	SHEET
KAL	1" = 30'	1 OF 1

Multiple Tree Removal Permit Application / Private Property

--This Section for Staff Use Only--

RECEIVED
--Date Received--
MAR 11 2014
AM PM
PLANNING DEPARTMENT
BY

Property Use: ☐ Single-Family ☒ Multi-Family ☐ Commercial
☐ Planning Official review (please allow 10 business days for review)
☐ Urban Forester review (please allow 21 calendar days for review)
TRE # 14-01280

☐ **FEE**: A check to the City of Kirkland for the application fee: $200.00

☐ **Before filling out this form please answer the following questions.**

STOP! Is this request associated with another City Permit?
If so, this application does not apply. Please contact the Planning Department at 425-587-3225.

STOP! Does this request involve the removal of street trees?
If yes, this application may not apply. Please contact the Public Works Department at 425-587-3800.

STOP! Does the property have any of the conditions listed below?
If in doubt, please contact the Planning Department at 425-587-3225.

- Native Growth Protection Easement ☐ Yes ☐ No
- Critical Area (streams, slopes >15%, wetland) ☒ Yes ☐ No
- Subdivision restrictions listed on deed or plat map ☐ Yes ☒ No
- Other restrictions/conditions (please describe) ☒ Yes ☐ No
  Holmes Point overlay

IMPORTANT: If any of the above conditions apply, your removal request requires an arborist report from a qualified professional.

☐ **Contact & Property Information (please write legibly)**

Property Owner: Alice Blanchard | Phone: 425 864 1264 | Email: ablanchardlaw@whidbey.com
Site Address: 11531 Holmes Point Drive NE
Mailing Address (if different)
Contact Name: Alice Blanchard | Phone: SAME | Email: SAME

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the information answered on this form is true and complete to the best of my knowledge. I understand that the City of Kirkland is relying on this information to make its decision. Trees removed illegally may result in the City pursuing monetary penalties and/or restoration under KZC 95.55.

Owner Signature Alice Blanchard
(acknowledging and supporting request)

☐ **ARBORIST REPORT**: Attach an arborist report from an individual with relevant education and training in arboriculture or urban forestry, having **two** or more of the following credentials:

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

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the information answered above is true and complete to the best of my knowledge. I understand that the City of Kirkland is relying on this information to make its decision. Trees removed illegally may result in the City pursuing monetary penalties and/or restoration under KZC 95.55.

Certified Arborist Signature | Arborist Cert. ID & Exp Date | Arborist Cert. ID & Exp Date

☐ **List trees** to be removed (back of form)

☐ **Attach Site Plan** (use Page 3 or attach a screen shot, survey, drawing, etc.)
NOTE: The site plan must identify the approximate location of all significant trees on the property. Include location and species of trees to be removed, retained, and replaced. This form will not be processed without a completed site plan.

SPLIT TRUNK REMAINS ON TOPPED CEDAR CLOSE TO TWO RESIDENCES

TREE TRUNK SPLIT OFF IN JAN. 2014 WINDSTORM

TRUNK WHICH SPLIT OFF CAUSED SERIOUS ROOF DAMAGE ON RENTAL HOUSE ON SUBJECT PROPERTY

Tree #	Trunk Size: diameter at 4.5' (dbh)	Common Name or Genus/species	Public Tree? (yes/no)
		↗ see tree #4 on arborist's report	
1	18.5"	Deodar Cedar / Cedrus deodra	No
2			No
☐	***IMPORTANT:*** Removal of more than two significant trees requires an arborist report from a qualified professional **-OR-** Trees with obvious defects or damage to property may submit photos in place of arborist report.		
3		Western red cedar / thuja plicata See tree #8 on arborist's report from Sept. 2010. Arborist stated hazard by ISA standard Damaged in Jan 2014 storm Now split trunk	No

Site Plan

☐	**Number of significant trees remaining on property after proposed removals:_____**

–This Section for Staff Use Only–

☐ Approved
☐ Denied
Staff Initials: _____
Date: __/__/____
Conditions/Comments:

40% SLOPE CATEGORY MAP
BLANCHARD P.S.P.

LITCHFIELD ENGINEERING 12840 81ST AVENUE NE Kirkland, Washington 98034 (425) 821-5038 FAX (425) 821-5739	DWN. BY KAL	DATE 6-6-05	JOB NO.
	CHKD. BY KAL	SCALE 1" = 30'	SHEET 1 OF 1

Gilles Consulting
Brian K. Gilles
425-822-4994

DIAGNOSIS AND TREE RISK ASSESSMENT OF SELECTED TREES AT

BLANCHARD PROPERTY
11531 HOLMES POINT DRIVE NE
KIRKLAND, WA 98034

September 2, 2010
Revised September 23, 2010

PREPARED FOR:
Alice Blanchard
11531 Holmes Point Drive NE
Kirkland, WA 98034

PREPARED BY:
GILLES CONSULTING
Brian K. Gilles, Consulting Arborist
ISA Certified Arborist # PN-0260A
ASCA Registered Consulting Arborist # RCA-418

fax: 425-822-6314
email: bkgilles@comcast.net
P.O. Box 2366 Kirkland, WA 98083

PNW-ISA Certified Tree Risk Assessor #148

CONTENTS

ASSIGNMENT

Alice Blanchard contracted with Gilles Consulting to evaluate several trees at 11531 Holmes Point Drive NE, Kirkland, Washington. There were specific questions about a variety of trees and shrubs on the property.

METHODOLOGY

To evaluate the trees and to prepare the report, I drew upon my 25+ years of experience in the field of arboriculture and my formal education in natural resources management, dendrology, forest ecology, plant identification, and plant physiology. I also followed the protocol of the International Society of Arboriculture (ISA) for Visual Assessment (VA) that includes looking at the overall health of the trees as well as the site conditions. This is a scientifically based process to look at the entire site, surrounding land and soil, as well as a complete look at the trees themselves.

In examining each tree, I looked at such factors as: size, vigor, canopy and foliage condition, density of needles, injury, insect activity, root damage and root collar health, crown health, evidence of disease-causing bacteria, fungi or virus, dead wood and hanging limbs.

Failure

While no one can predict with absolute certainty which trees will or will not fail, we can, by using this scientific process, assess which trees are most likely to fail and take appropriate action to minimize injury and damage.

OBSERVATIONS

In an effort to present the information and conclusions for each tree in a manner that is clear and easy to understand, as well as to save paper, (the ISA form is a two page form for each tree), I have included a detailed spreadsheet, *Attachment 2, Tree Inventory/Condition Spreadsheet*. All the same information from the ISA Tree Hazard Form is included in this spreadsheet and the attached glossary. The descriptions on the spreadsheet were left brief in order to include as much pertinent information as possible and to make the report manageable. The attached glossary provides a detailed description of the terms used in the spreadsheet and in this report. It can be found in *Attachment 3, Glossary*. A brief review of these terms and descriptions will enable the reader to rapidly move through the spreadsheet and better understand the information.

Additional Testing
The two Deodara Cedar trees had signs and symptoms of root rot, base rot, and/or potential trunk rot. We discussed the potential for partial or complete tree failure due to the presence of rot. We also discussed the value of performing pathology tests on the soil and roots as well as Resistograph tests on selected trees to gather additional data to better determine their current condition. Based on your agreement, I took soil and root samples from tree # 6 and sent them to a local pathology lab for culture and analysis.

DISCUSSION AND RECOMMENDATIONS
The pathology report came back with the roots infected with Pythium and Armillaria. The foliage is infested with Thrips.

Please refer to Dr. Ribeiro's report below for details of treatments.

For more details about photo journaling, see *Attachment 7, Photo Journaling*.

To learn more about dealing with English Ivy, see *Attachment 13, English Ivy Control*.

WAIVER OF LIABILITY
There are many conditions affecting a tree's health and stability, which may be present and cannot be ascertained, such as, root rot, previous or unexposed construction damage, internal cracks, stem rot and more which may be hidden. Changes in circumstances and conditions can also cause a rapid deterioration of a tree's health and stability. Adverse weather conditions can dramatically affect the health and safety of a tree in a very short amount of time. While I have used every reasonable means to examine these trees, this evaluation represents my opinion of the tree health at this point in time. These findings do not guarantee future safety nor are they predictions of future events.

The tree evaluation consists of an external visual inspection of an individual tree's root flare, trunk, and canopy from the ground only unless otherwise specified. The inspection may also consist of taking trunk or root soundings for sound comparisons to aid the evaluator in determining the possible extent of decay within a tree. Soundings are only an aid to the evaluation process and do not replace the use of other more sophisticated diagnostic tools for determining the extent of decay within a tree.

As conditions change, it is the responsibility of the property owners to schedule additional site visits by the necessary professionals to ensure that the long-term success of the project is ensured. It is the responsibility of the property owner to obtain all required permits from city, county, state, or federal agencies. It is the responsibility of the property owner to comply with all applicable laws, regulations, and permit

conditions. If there is a homeowners association, it is the responsibility of the property owner to comply with all Codes, Covenants, and Restrictions (CC&R's) that apply to tree pruning and tree removal.

This tree evaluation is to be used to inform and guide the client in the management of their trees. This in no way implies that the evaluator is responsible for performing recommended actions or using other methods or tools to further determine the extent of internal tree problems without written authorization from the client. Furthermore, the evaluator in no way holds that the opinions and recommendations are the only actions required to insure that the tree will not fail. A second opinion is recommended. The client shall hold the evaluator harmless for any and all injuries or damages incurred if the evaluator's recommendations are not followed or for acts of nature beyond the evaluator's reasonable expectations, such as severe winds, excessive rains, heavy snow loads, etc.

This report and all attachments, enclosures, and references, are confidential and are for the use of the client concerned. They may not be reproduced, used in any way, or disseminated in any form without the prior consent of the client concerned and Gilles Consulting.

Thank you for calling Gilles Consulting for your arboricultural needs.

Sincerely,

Brian K. Gilles, Consulting Arborist
ISA Certified Arborist # PN-0260A
ASCA Registered Consulting Arborist # RCA-418
PNW-ISA Certified Tree Risk Assessor #148

ATTACHMENTS

ATTACHMENT 1 - TREE INVENTORY/CONDITIONS SPREADSHEET

ABBREVIATED LEGEND–SEE GLOSSARY IN REPORT ATTACHMENTS FOR GREATER DETAIL

#1 *Property:* Whether the tree is on or off the Subject Property, or a Right-of-Way tree.
#2 *Tree Location:* Relative placement of the tree.
#3 *Tree #:* The unique tag number of each tree.
#4 *Species:*

DC/Cd	Deodar Cedar. *Cedrus deodara*
LP/Pa T	Lombardy Poplar. *Populus nigra 'Italica'*
PbB/Bp	Paperbark Birch. *Betula papyrifera*
PhPxf	Photinia *Photinia x fraseri*
WRC/Tp	Western Red Cedar *Thuja plicata*

#5 *DBH:* Trunk diameter @ 4.5' above average ground level.
#6 *Drip Line:* The radius, the distance from the trunk to the furthest branch tips.
#7 *LCR:* *Live Crown Ratio* - the amount of live canopy expressed as a % of the entire tree height.
#8 *Symmetry:* General shape of canopy and weight distribution of the tree around the trunk.
#9 *Foliage:* General description of foliage density that indicates tree health and vigor.
#10 *Crown Condition:* The most important external indication of tree health and vigor.
#11 *Trunk:* Description of trunk condition or abnormalities if any.
#12 *Root Collar:* The base of the tree where the trunk flares into the roots–deformities or problems are noted here.
#13 *Roots:* Root problems are noted here.
#14 *Comments:* Additional observations about the tree's condition.
#15 *Current Health Rating:* A description of general health ranging from dead, dying, hazard, poor, suppressed, fair, good, very good, to excellent.
#16 *Target Rating:* Rates the use and occupancy of the area that would be struck by the defective part
0 - no human use, no improvements, **NO HAZARD**
1 - Low use, low target value
2 - Medium use, medium target value, i.e.: little used playground, rural road
3 - Medium to high use, medium to high target value
4 - Constant use, high value target(s), i.e.: power lines, houses, major roads
#17 *Size of Defective Part:* Rates the size of the part most likely to fail. The larger the part that fails, the greater the potential for damage.
1 - Branches and stems up to 4-inches in diameter.
2 - Branches and Stems between 4 and 20 inches in diameter.
3 - Branches and Stems greater than 20 inches diameter.
#18 *Probability of Failure:* Identifies likely failure point(s) and rates the likelihood that the structural defect(s) will result in failure:
1 - Minor defect not likely to lead to imminent failure. No further action required.
2 - One or more defects, but would typically not lead to failure for several years.
Schedule the work for 1 to 5 years ahead.
3 - Defect is serious–failure is likely. Action is required in weeks or months; possibly before the next storm season.
4 - Defect(s) are serious and imminent failure is likely. Action is required in days.
5 - Tree or component part is already failing. Target value high.
An Emergency situation requiring treatment today.
#19 *ISA Hazard Rating:* Using the International Society of Arboriculture scale of 3 - 12.
#20 *Recommendation:* A recommendation for management of the tree in order to reduce the risk of failure and/or damage to an acceptable level.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
PROPERTY	TREE LOCATION	TREE #	SPECIES	DBH	DRIP LINE	LCR	SYMMETRY	FOLIAGE	CROWN CONDITION	TRUNK	ROOT COLLAR	ROOTS	COMMENTS	CURRENT HEALTH RATING	TARGET RATING	SIZE OF PART	PROBABILITY OF FAILURE	ISA HAZARD RATING	RECOMMENDATION
		1	PbB/Bp	-	-	-	-	Average	Dead	Typical	NAD	-	Bronze birch borer.	Dying	3	2	3	8	Prune out dead tops and monitor
		2	PbB/Bp	-	-	-	-	Average	Dead	Typical	NAD	-	Bronze birch borer.	Dying	3	2	3	8	Prune out dead tops and monitor
		3	PhPxf									-	By house and down driveway	Good	n/a	n/a	n/a	n/a	Prune dead wood
		4	DC/Cd	18.5'	21'	80%	Major asymmetry	Short shoot elongation	Regeneration healthy	Straight	NAD	-	Losing foliage. Tips of tufts are burnt. Cut lower limb--discolored center. Sent root bark, feeder roots, soil, foliage and snip of branch to Ribeiro Tree Evaluations. Growing at top of slope.	Fair	2	2	2	6	Treat for Thrips and soil/root pathogens
		5	DC/Cd	-	24.0'	85.0'	Generally symmetrical	Losing foliage on side of Tree #4	Regeneration average	Previously topped at 45', straight	NAD	-	65% of foliage is dense. 1/3rd of foliage next to Tree #4 is showing the same symptoms as Tree #4. Growing at top of slope.	Fair	2	2	2	6	Treat for Thrips and soil/root pathogens
		8	WRC/Tp	-	18'	95%	Minor asymmetry	Chlorotic, average	Regeneration average	Bowed north, Previously topped at 20'	Base rot	Restricted	Tree is growing between the cottage and the big green house to south. Base is 12 feet north of the large green house and 16 feet south of the cottage. May get 5-10 years of safe useful life expectancy.	Fair	4	2	2	8	Monitor

ATTACHMENT 2 - GLOSSARY

Terms Used in This Report, on the Tree Condition / Inventory Spreadsheet, and Their Significance

In an effort to clearly present the information for each tree in a manner that facilitates the reader's ability to understand the conclusions I have drawn for each tree, I have collected the information in a spreadsheet format. This spreadsheet was developed by Gilles Consulting based upon the *Tree Risk Assessment in Urban Areas and the Urban/Rural Interface* course manual and the *Tree Risk Assessment Form*, both sponsored by the Pacific Northwest Chapter of the International Society of Arboriculture, and the *Hazard Tree Evaluation Form* from the book, *The Evaluation of Hazard Trees in Urban Areas*, by Matheny and Clarke. The descriptions were left brief on the spreadsheet in an effort to include as much pertinent information as possible, to make the report manageable, and to avoid boring the reader with infinite levels of detail. However, a review of these terms and descriptions will allow the reader to rapidly move through the report and understand the information.

1) **PROPERTY**—Whether the tree is on or off the Subject Property, or a Right-of-Way tree.
2) **TREE LOCATION**—Relative placement of the tree.
3) **TREE #**—The unique tag number of each tree.
4) **SPECIES**—This describes the species of each tree with both most readily accepted common name and the officially accepted scientific name.
5) **DBH**—Diameter Breast Height. This is the standard measurement of trees taken at 4.5 feet above the average ground level of the tree base.
    i) Occasionally it is not practical to measure a tree at 4.5 feet above the ground. The most representative area of the trunk near 4.5 feet is then measured and noted on the spreadsheet. For instance, a tree that forks at 4.5 feet can have an unusually large swelling at that point. The measurement is taken below the swelling and noted as, '28.4" at 36"'.
    ii) Trees with multiple stems are listed as a "clump of x," with x being the number of trunks in the clump. Measurements may be given as an average of all the trunks, or individual measurements for each trunk may be listed.
        (1) Every effort is made to distinguish between a single tree with multiple stems and several trees growing close together at the bases.
6) **DRIP LINE**—the radius, the distance from the trunk to the furthest branch tips.
7) **% LCR**—Percentage of Live Crown Ratio. The relative proportion of green crown to overall tree height. This is an important indication of a tree's health. If a tree has a high percentage of Live Crown Ratio, it is likely producing enough photosynthetic activity to support the tree. If a tree has less than 30 to 40% LCR it can create a shortage of needed energy and can indicate poor health and vigor.

8) **SYMMETRY**—is the description of the form of the canopy. That is, the balance or overall shape of the canopy and crown. This is the place I list any major defects in the tree shape—does the tree have all its foliage on one side or in one unusual area. Symmetry can be important if there are additional defects in the tree such as rot pockets, cracks, loose roots, weak crown etc. Symmetry is generally categorized as Generally Symmetrical, Minor Asymmetry or Major Asymmetry:
   i) Gen. Sym.—Generally Symmetrical. The canopy/foliage is generally even on all sides with spacing of scaffold branches typical for the species, both vertically and radially.
   ii) Min. Asym.—Minor Asymmetry. The canopy/foliage has a slightly irregular shape with more weight on one side but appears to be no problem for the tree.
   iii) Maj. Asym.—Major Asymmetry. The canopy/foliage has a highly irregular shape for the species with the majority of the weight on one side of the tree. This can have a significant impact on the tree's stability, health and hazard potential—especially if other defects are noted such as cracks, rot, root defects.
9) **FOLIAGE/BRANCH**—describes the foliage of the tree in relation to a perfect specimen of that particular species. First the branch growth and foliage density is described, and then any signs or symptoms of stress and/or disease are noted. The condition of the foliage, or the branches and buds for deciduous trees in the dormant season, are important indications of a tree's health and vigor.
   i) For Deciduous trees in the dormant season:
      (1) The structure of the tree is visible,
      (2) The quantity and quality of buds indicates health, and is described as good bud set, average bud set, or poor bud set. These are abbreviated in the spreadsheet as: gbs, abs, or pbs.
      (3) The amount of annual shoot elongation is visible and is another major indication of tree health and vigor. This is described as:
         a) Excellent, Good, Average, or Short Shoot Elongation. These are abbreviated in the spreadsheet as ESE, GSE, ASE, OR SSE.
   ii) For evergreen trees year round and deciduous trees in leaf, the color and density of the foliage indicates if the tree is healthy or stressed, or if an insect infestation, a bacterial, fungal, or viral infection is present. Foliage is categorized on a scale from:
      (1) Dense—extremely thick foliage, an indication of healthy vigorous growth,
      (2) Good—thick foliage, thicker than average for the species,
      (3) Normal/Average—thick foliage, average for the species, an indication of healthy growth,
      (4) Thin or Thinning—needles and leaves becoming less dense so that sunlight readily passes through; an indication that the tree is under serious stress that could impact the long-term survivability and safety of the tree,

(5) Sparse—few leaves or needles on the twigs, an indication that the tree is under extreme stress and could indicate the future death of the tree
(6) Necrosis—the presence of dead twigs and branchlets. This is another significant indication of tree health. A few dead twigs and branches are reasonably typical in most trees of size. However, if there are dead twigs and branchlets all over a certain portion of the tree, or all over the tree, these are indications of stress or attack that can have an impact on the tree's long-term health.
(7) Hangers—a term to describe a large branch or limb that has broken off but is still hanging up in the tree. These can be particularly dangerous in adverse weather conditions.

10) **CROWN CONDITION**—the crown is uppermost portion of the tree, generally considered the top 10 to 20% of the canopy or that part of the canopy above the main trunk in deciduous trees and above the secondary bark in evergreen trees.

i) The condition of the tree's crown is a reflection of the overall health and vigor of the entire tree. The crown is one of the first places a tree will demonstrate stress and pathogenic attack such as root rot.
ii) If the **Crown Condition** is healthy and strong, this is a good sign. If the crown condition is weak, broken out, or shows other signs of decline, it is an indication that the tree is under stress. It is such an important indication of health and vigor that this is the first place a trained forester or arborist looks to begin the evaluation of a tree. Current research reveals that, by the time trees with root rot show significant signs of decline in the crown, fully 50% or more of the roots have already rotted away. **Crown Condition** can be described as:
(1) Healthy Crown—exceptional growth for the species.
(2) Average Crown—typical for the species.
(3) Weak Crown—thin spindly growth with thin or sparse needles.
(4) Flagging Crown—describes a tree crown that is weak and unable to grow straight up.
(5) Dying Crown—describes obvious decline that is nearing death.
(6) Dead Crown—the crown has died due to pathological or physical injury. The tree is considered to have significant stress and/or weakness if the crown is dead.
(7) Broken out—a formerly weak crown condition that has been broken off by adverse weather conditions or other mechanical means.
(8) Regenerated or Regenerating—formerly broken out crowns that are now growing back, Regenerating crowns may appear healthy, average, or weak and indicate current health of the tree.
(9) Suppressed—a term used to describe poor condition of an entire tree or just the crown. Suppressed crowns are those that are entirely below the general level of the canopy of surrounding trees which receive no direct sunlight. They are generally in poor health and vigor. Suppressed trees are generally trees that are smaller and growing in the

shade of larger trees around them. They generally have thin or sparse needles, weak or missing crowns, and are prone to insect attack as well as bacterial and fungal infections.

11) **TRUNK**—this is the area to note any defects that can have an impact on the tree's stability or hazard potential. Typical things noted are:
    i) FORKED—bifurcation of branches or trunks that often occur at a narrow angle.
    ii) INCLUDED BARK—a pattern of development at branch or trunk junctions where bark is turned inward rather than pushed out. This can be a serious structural defect in a tree that can and often does lead to failure of one or more of the branches or trunks especially during severe adverse weather conditions.
    iii) EPICORMIC GROWTH—this is generally seen as dense thick growth near the trunk of a tree. Although this looks like a healthy condition, it is in fact the opposite. Trees with Epicormic Growth have used their reserve stores of energy in a last ditch effort to produce enough additional photosynthetic surface area to produce more sugars, starches and carbohydrates to support the continued growth of the tree. Generally speaking, when conifers in the Pacific Northwest exhibit heavy amounts of Epicormic Growth, they are not producing enough food to support their current mass and are already in serious decline.
    iv) INTERNAL STRUCTURAL WEAKNESS—a physical characteristic of the tree trunk, such as a **kink, crack, rot pocket, or rot column** that predisposes the tree trunk to failure at the point of greatest weakness.
    v) BOWED—a gradual curve of the trunk. This can indicate an Internal Structural Weakness or an overall weak tree. It can also indicate slow movement of soils or historic damage of the tree that has been corrected by the curved growth.
    vi) KINKED—a sharp angle in the tree trunk that indicates that the normal growth pattern is disrupted. Generally this means that the internal fibers and annual rings are weaker than straight trunks and prone to failure, especially in adverse weather conditions.
    vii) GROUND FLOWER—an area of deformed bark near the base of a tree trunk that indicates long-term root rot.
12) **ROOT COLLAR**—this is the area where the trunk enters the soil and the buttress roots flare out away from the trunk into the soil. It is here that signs of rot, decay, insect infestation, or fungal or bacterial infection are noted. **NAD** stands for **N**o **A**pparent **D**efects.
13) **ROOTS**—any abnormalities such as girdling roots, roots that wrap around the tree itself that strangle the cambium layer and kill the tree, are noted here.
14) **COMMENTS**—this is the area to note any additional information that would not fit in the previous boxes or attributes about the tree that have bearing on the health and structure of the tree.

15) **CURRENT HEALTH RATING**—A description of the tree's general health ranging from dead, dying, poor, senescent, suppressed, fair, good, very good, to excellent.

PNW-ISA TREE RISK ASSESSMENT RATINGS FOR HAZARD POTENTIAL-- The Pacific Northwest Chapter of the International Society of Arboriculture now certifies arborists as *Certified Tree Risk Assessors* using an adjusted scale of 3 to 12 points based upon 4 component parts. They are:

16) **TARGET RATING--**A scale of zero to three points depending upon the amount of use within the range of the tree and the amount of injury or damage that might occur if the tree or component part does fail. Target is both the level of use and the quality/value of the target combined with the foreseeable amount of injury or damage that will likely occur should the tree or component part fail.
   i) 0 Points, no target. **No Hazard.**
   ii) 1 Point, Low human use or low target value.
   iii) 2 Points, Moderate human use or moderate target value.
   iv) 3 Points, High or constant human use or high target value.

17) **SIZE OF PART--** The larger the tree or component part that fails, the greater the potential for injury or damage.
   i) 1 Point = small branches or trunks up to 4 inches in diameter.
   ii) 2 Points = branches or trunks from 4.1 to 19.9 inches in diameter.
   iii) 3 Points = large branches or trunks greater than 20 inches in diameter.

18) **PROBABILITY OF FAILURE--**This component ranks the likelihood that the observed defect(s) will fail in a reasonable amount of time in the foreseeable future. The probability of failure automatically has associated with it threshold of action recommended to reduce or minimize the potential failure and associated injuries or damages that might occur.
   i) 1 Point = Minor defect is not likely to lead to imminent failure.
      (1) No further action is required.
   ii) 2 Points = One or more defects are well established but would typically not lead to failure for several years.
      (1) Corrective action might be useful to prevent future problems but only if time and money is available. Not the highest priority for action. Generally "retain and monitor" is acceptable action.
   iii) 3 Points = The defect(s) is serious and failure is likely.
      (1) Corrective action is required in weeks or months.
   iv) 4 Points = The defect(s) are serious and imminent failure is likely.
      (1) Action is required in days or weeks.
   v) 5 Points = The tree or component parts are already failing. Failure is imminent. This is an *emergency situation.*
      (1) *Corrective action is required immediately today.*

19) ***ISA HAZARD RATING--***The combined component ratings of *Target Rating, Size of Part, Probability of Failure, and Other Risk Factors* on a scale of 3 through 12.

20) **RECOMMENDATION**— this is an estimate of whether or not the tree is of sufficient health, vigor, and structure that it is worth retaining. Specific

recommendations for each tree are included in this column. They may include anything from pruning dead wood, mulching, aerating, injecting tree-based fertilizer into the root system, shortening into a habitat tree or wildlife snag, or to completely removing the tree.

i) **Monitor:** "Monitor" is a specific recommendation that the tree be re-evaluated on a routine basis to determine if there are any significant changes in health or structural stability. "Monitor annually" (or bi-annually, tri-annually, etc.)" means the tree should be looked at once every year (or every 2 or 3 years, etc.) This yearly monitoring can be a quick look at the trees to see if there are any significant changes. Significant changes such as storm damage, loss of crown, partial failure of one or more roots, etc. require that a full evaluation be done of the tree at that time.

ii) **Potential to remain with tree protection measures:** means that the tree appears to have the internal resources, the health and vigor, structural stability, and the wind firmness to be able to withstand the stresses of construction.

iii) **Habitat will remove:** means that the tree has a high potential to fail and cause either personal injury or property damage—in other words the tree has been declared a hazard tree and should be dealt with prior to the next large storm. If it is at all possible the recommendation is to leave some of the trunk standing for wildlife habitat and some of the trunk on the ground as a nurse log. The height of the standing habitat tree depends upon the size of the tree, the condition of the tree, and the distance to a probable target. It should be short enough so that when it does fail years in the future it will not cause personal injury or property damage. Nurse logs can be laid horizontally across the slope to aid with erosion control and to provide microenvironments for new plantings. The nurse logs meaning to be steak to prevent their movement and potential harm to people. If for some reason this is not possible that should be removed for safety.

NOTE: TREES WITH THE SAME DESCRIPTION AND DIFFERENT RATINGS: Two trees may have the same descriptions in the matrix boxes, one may be marked "Significant," while another may be marked "Non-Significant." The difference is in the degree of the description--early "necrosis" versus advanced "necrosis" for instance. Another example is center rot or base rot. In a Western Red Cedar tree the presence of low or even moderate rot is not significant and does not diminish the strength of the tree. However, low levels of rot in the base of a Douglas Fir tree in an area known to have virulent pathogens present is highly significant and predisposes that tree to windthrow. Again, these descriptions were left brief in an effort to include as much pertinent information as possible, to make the report manageable, and, not to bore the reader with infinite levels of detail.

ATTACHMENT 3 - REBEIRO TREE EVALUATIONS PATHOLOGY REPORT

Ribeiro Root Soil and Wood Sample Results:

Ribeiro Tree Evaluations, Inc.
"The Science of Healthy Trees"
Specializing in Tree Disease Diagnosis
10744 NE Manitou Beach Drive, Bainbridge Island, WA 98110
Phone/Fax: 206.842.1157 www.ribeirotreehealth.com fungispore@comcast.net

PLANT PATHOLOGY: LABORATORY REPORT

Report #: 20465
Date: August 12, 2010
Client: Gilles Consulting
12823 NE 107th Place, Kirkland, WA 98033
Your Ref.: **Blanchard**
Plant spp.: *Deodar cedar*
Material analyzed: Soil ☐ Roots ☐ Tissue ☐ Other:

Sample #	Your Reference	*Phytophthora*	*Pythium*	Tissues/Roots
		(Propagules per gram soil)		
20465	*Deodar Cedar*	0	140 (L)	**Roots:** *Armillaria.* **Wood:** No pathogens **Needles:** Thrips & Thrip eggs

(VL) = very low number of propagules of the pathogen isolated per gram of soil sample tested; (L) = low numbers; (M) = moderate numbers; (H) = high numbers; (VH) = very high numbers of propagules isolated.

The soil sample analyzed did not have *Pythium* or *Phytophthora* at levels that can potentially cause a root rot problem. However, roots examined had several feeder roots that were either dead or dying back. Roots tested were infected with *Basidiomycetes*. Mycelium and rhizomorphs typically associated with the root and wood decay fungus pathogen – *Armillaria* was isolated.

1. Remove all vegetation from around the base of the trees out to at least 5 feet from the base of the tree trunk.
2. Then add mycorrhizae fungi + humic acids + beneficial microbes to improve root development and increase resistance to root pathogens
3. After above treatments are completed, add manure + composted material not to exceed a depth of 4 inches.
4. The beneficial fungus–*Trichoderma* has been reported to reduce *Basidiomycetes infections. Trichoderma* is found in such products as RootShield.
5. Maintain tree vigor by paying attention to fertilization, proper irrigation, insect and disease control.
6. Provide for adequate soil drainage, particularly in heavy, poorly drained sites. Antagonism by other fungi e.g. inoculations with *Coriolus versicolor, Hypholoma sp. Xylaria hypoxylon, Peniophora gigantea and Pleurotus ostreatus* have prevented infections of tree trunks by *Armillaria. Trichoderma* has been used in some areas to suppress *Armillaria.*
7. Mycorrhizae inoculated roots have helped provide a barrier to *Armillaria* infections.
8. Yard debris must be thoroughly composted before using as a mulch to kill any propagules of the fungus that may be in pieces of twigs and other debris.

*Check trees 6 months after treatments. If no improvement is observed, root/crown excavations are advised to ascertain extent of root infections. If extensive, reduction to a wildlife snag may need to be considered.

Olaf K. Ribeiro, Ph.D. CPAg
ARCPACS Certified Plant Pathologist/ Certified Arborist PN#6390A

Always read and understand label directions before applying any pesticide. Do not apply a pesticide on plant species not listed on the label. Liability is limited to services provided and paid for. Reports are confidential and are for the use of the client concerned. They may not be reproduced or disseminated in any form without the prior consent of the client concerned and RTE, Inc.

Member: International Society of Arboriculture – American Phytopathological Society – International Society of Plant Pathologists – American Registry of Certified Professionals in Agronomy, Crops & Soils

RIBEIERO TREE EVALUATIONS – THRIP TREATMENT RECOMMENDATIONS

Around mid-June, the thrips enter the soil as larvae where they mature and overwinter in the soil. They emerge in early spring to feed on swollen buds and expanding leaves and to reproduce. Symptoms include fallen green leaves, leaves smaller than normal, chlorotic and tattered leaves, leaf margins, frequently browned or wilted, and leaves puckered or wrinkled. Where the outbreak has persisted longest, growth decline and crown dieback have occurred. Botanicals that control thrips include Cinnamite, Fulex nicotine, and Azatin. Microbial products include Botanaguard (*Beauveria bassiana*). Botanaguard will also control weevils. Other insecticides include Mesurol, Avid, Thiodan, Orthene, PT1300, Conserve, Pyrellin and Pyrethrin + PBO

ATTACHMENT 4 - PHOTO JOURNALING

A Photo Journal is an on-going pictorial history of the trees. My site visit only allowed the view of the trees as they were that day. If you have years of photos that we can look at and compare, it significantly increases the ability to discern slow changes in the condition of the trees. This allows for better decision making. The process is simple:

- Take pictures of all the trees; especially take pictures of the top 10 to 20% of each tree. If you recall, when I walked the property with you, a trained eye can interpret a lot of the tree's health by looking at the top of the tree, the crown.
- Take pictures of the trees and indicate on a map/site plan the spots from which you took the photos--this is so you can return to the same spot every year and take the same photos from the same places.
- Date the photos and create a process in which you take photos from the same spots every year.
- Over the years, watch for indications of changes in health. When you see signs that the vigor of a tree crown is declining, call me to have the trees re-examined.
    - Decline in vigor will show up as you compare the annual photos with such indicators as: dying crowns, thinning crowns, excessive broken branches, excessive needle drop or foliage thinning, dead branches and limbs.

Call me every two to four years to take a brief look at the trees. Combined with your photo history of the trees, we will be able to monitor the health of the trees and react to any serious changes in health and vigor.

ATTACHMENT 5 - ENGLISH IVY CONTROL

English Ivy is now on the King County noxious weed list and is very bad for trees and native vegetation. The vines drape over and choke out native shrubs and small trees. One of the many problems is that the Ivy harbors rats but does little to control erosion.

English Ivy causes many problems for trees. They can be summarized as follows:

1) Ivy constricts the bark and vascular cambium of trees causing a restriction that limits the flow of water and nutrients from the roots to the foliage and sap from the foliage to the roots.
   a) It would be like wrapping a garden hose around our own body and every time we breathe out we cinch up the hose by half an inch. Eventually we find it hard to breathe.
2) Ivy captures falling debris and traps it against the trunk.
   a) This debris holds water and begins to decompose and creates a mulch/soil like material that breeds pathogens.
3) Ivy prevents the wind from drying out the trunk after rain storms.
   a) The wet trunk becomes susceptible to pathogenic and insect attack.
4) Ivy adds a substantial amount of weight to the tree that can be greater than the strength of the wood to support.
5) Ivy provides a ladder for rats to climb!
   a) Rats cannot climb tree trunks but they can climb up Ivy.

For these reasons, I recommend the removal of Ivy from trunks and slopes. It is not advisable, nor pleasant, to remove all the Ivy from the trees. It is only necessary to cut 2 to 4 feet of vines to kill the Ivy. Carefully cut the vines at about chest height completely around the trunk. Pull out the severed vines from the cut down to the ground level. Expose the base of the trunk and remove the Ivy from a 1-foot circle around the base. Allow the tops to die over the next two years. The brown/dead Ivy can be left to fall away on its own or it can easily be removed once it has turned completely brown.

ATTACHMENT 6 - REFERENCES

1. Eric Allen, et al. *Common Tree Diseases of British Columbia.* Victoria: Canadian Forest Service, 1996.

2. Harris, Richard W. et al. *Arboriculture, Integrated Management of Landscape Trees, Shrubs, and Vines.* 4th ed. Upper Saddle River: Prentice Hall, 2004.

3. Johnson, Warren T. and Lyon, Howard H. *Insects That Feed on Trees and Shrubs.* Ithaca: Comstock Publishing Associates, 1991.

4. Matheny, Nelda P. and Clark, James R. *Evaluation of Hazard Trees.* 2nd ed. Savoy: The International Society of Arboriculture Press, 1994

5. Mattheck, Claus and Breloer, Helge. *The Body Language of Trees, A Handbook for Failure Analysis.* London: HMSO, 1994.

6. Pacific Northwest Chapter-ISA. *Tree Risk Assessment in Urban Areas and the Urban/Rural Interface.* Course Manual. Release 1.2. PNW-ISA: Silverton, Oregon, 2008.

7. Sinclair, Wayne A., Lyon, Howard H., and Johnson, Warren T. *Diseases of Trees and Shrubs.* Ithaca: Cornell University Press, 1987.

APPEAL OF DECISION OF KIRKLAND CITY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
Pursuant to Chapter 3.34KMC
(May 13, 2014)

I. INTRODUCTION

This is an appeal of a denial of the Kirkland City Planning and Community Development Department ("Department"). The decision being appealed comprises the following:

1. The Department's decision dated 4/18/2014 in response to my tree removal and trimming request submitted to the Department. **(Exhibit A)**

2. An e-mail communication from Planning Supervisor Dawn Nelson dated 4/30/2014. **(Exhibit B)**

II. SPECIFICS OF ISSUE BEING APPEALED

The decision being appealed is the Department's denial for a request to remove trees referenced as "Trees #1 and#2", deodar cedar and a white oak. The explanation for the denial from the Department was "Please note that Trees #1 and #2 may not be removed at this time because they are not identified as hazard trees and the regulations in the Holmes Point Overlay prohibit removal of trees unless they are hazardous (see KZC Section 70.15.3.a and 70.15.6.a); and the Department's additional reason for the denial, in its e-mail dated 4/30/2014, which states "The provisions of the Holmes Point Overlay (KZC Chapter 70) are more restrictive than those in the Tree Management Regulations (KZC Chapter 95). Pursuant to KZC 170.50, when provisions of the code conflict with one another, the most restrictive provision applies."

III. GROUNDS FOR APPEAL

1. KZC Chapter 70, the "Holmes Point Overlay Zone" is described in its purpose statement, KZC 70.05, as providing "minimum site disturbance development standards ... to allow infill at urban densities while providing an increased level of protection for the Holmes Point area ... ". The Purpose Statement further states that its standards are intended to **limit the allowable amount of site disturbance on lots in Holmes Point to reduce visual impacts of development** ... and require **an inspection of each site and the area proposed to be cleared, graded, and built on prior to issuance of the building permit."**(emphasis supplied.)

Section 70.15 "Standards" within the chapter comprises the remainder of provisions in the Holmes Point Overlay and states "[T]he following development standards shall be applied to all residential development: ... ". All provisions of 70.15 following that statement, including Section 70.15.3.a and 70.15.6.a, which were cited by the Department in its initial decision as a partial explanation for the denial, are subject to the conditions stated above. However, the

application I submitted is not associated with any development of any kind, and is strictly an application on behalf of the property owner for a permit which includes requests to:

a) Remove trees deemed hazardous by a certified arborist pursuant to several reports as a result of inspections made by that arborist over a period of three years,

b) Removal of a tree deemed to be hazardous following a split in a lead trunk during a January 2014 windstorm, which resulted in a thirty foot trunk lead from said tree doing damage to the roof of a residential structure on the property;

c) A request to remove dead portions of certain birch trees infected with bronze birch borer; and

d) A request for removal of the two trees which are the subject of this appeal, for view enhancement purposes; and to reduce crowding out of nearby trees which will remain.

KZC 95 covers "Tree Management and Required Landscaping." My review of all sections of KZC 95 preceding Section 95.23 do not indicate any reference to the Holmes Point Overlay superseding any of those provisions.

KZC Chapter 95.23 "Tree Removal--Not Associated With Development Activity." It requires a permit for removal of trees on private property, unless the activity is exempted in KZC 95.20 and §(5) of 95.23. 95.20 deals with emergency tree removal and is inapplicable in this matter.

95.23(5) "Tree Removal Allowances" (5)(a) provides that any property owner of developed property may remove up to two significant trees from their property within a twelve month period without having to apply for a tree removal permit; provided that (1) there is no active application for development activity for the site; (2) the trees were not required to be retained or planted as a condition of previous development activity; and (3) all of the additional standards for tree removal and tree removal permits as described in section (5)(b) through (e) are met.

(5)(a)(1) and (5)(a)(2) are met. (5)(b)(1) is met, because many more than two trees will remain on the subject property. (5) (b) (2)(a) "Tree Replacement" requires that for every significant tree that is removed and is not required to remain on the site as one of the two significant trees that are required to remain on the subject property, the City "encourages" the planting of the tree that is appropriate for the site. 5)(b) 2)(a) applies.

5)(b) 2)(b) provides that if the tree removal request is for one of the two trees required to remain, a tree removal permit, and one-for-one replacement is required. That is not applicable here. 5(b) 2)(c) states that for other uses not described in §(5)(b)(1), a tree removal permit is required and there will be tree replacement required. However, this is not applicable because the use of the property is a use listed in that section, i.e., a single family home.

(5)(c) does not apply because the two trees requested to be removed are not within the city's shoreline jurisdiction. (5)(d) "Removal of Hazard or Nuisance Trees" does not apply unless these trees are considered to be a nuisance, as they are crowding other nearby trees, but it is not expected they would meet the definition of a "hazard" tree. (5)(e) "Forest Management Plan" is not applicable here, as it applies to significantly wooded sites of at least 35,000 square feet.

My review of code provisions led me to conclude that the Holmes Point Overlay would not prohibit any request I sought in the tree permit application, due to the application of the Holmes Point Overlay to sites under development. I did not consider KZC Chapter 70 to be particularly applicable to this application, as the site is not currently under development. Furthermore, a complete review of all of the provisions under KZC Chapter 95.23 "Tree Removal -- Not Associated With Development Activity," appears to provide that all relevant conditions are met, including KZC 95.23(5)(a) which provides that any property owner of developed property may remove up to two significant trees from their property within a twelve month period. The request for removal of those trees was included along with the request for removal and/or modification of other trees because it appeared that it was necessary to submit a permit with a request for the trees deemed hazardous.

Currently there are at least twenty-three trees on the subject property which meet the KZC 95.10(14) definition of a "significant tree," that is, a tree that is at least six inches in diameter at a height of 4.5 feet from the ground. The three trees that were asserted to be hazardous by the applicant and her arborist in the permit documentation were also determined by the City of Kirkland to be hazard trees which could be removed, reduced to a wildlife snag, or have their crowns significantly reduced to prevent possible damage. Even with the removal or crown reduction of these three trees, there will be at least twenty significant trees remaining on this property. The city has not explained how any of its stated goals for preserving tree canopy, community character, and other laudable goals regarding the Holmes Point Overlay would be served by the denial of the request for a permit for removal of the two trees requested.

Respectfully submitted this 13th day of May, 2014.

Alice L. Blanchard
Permit Applicant

Subject: RE: TRE14-01280 BLANCHARD
From: Dawn Nelson <DNelson@kirklandwa.gov>
Date: 4/18/2014 2:22 PM
To: "'ablanchardlaw@whidbey.com'" <ablanchardlaw@whidbey.com>
CC: Scott Guter <SGuter@kirklandwa.gov>

Dear Ms. Blanchard,

The City has completed its review of your tree removal and pruning request at 11531 Holmes Point Drive NE dated April 4, 2014. Based on the regulations in Kirkland Zoning Code Chapter 70 (Holmes Point Overlay)<http://www.codepublishing.com/wa/kirkland/html/KirklandZ70/KirklandZ70.html>, Section 83.400 (Tree Management and Vegetation in Shoreline Setback)<http://www.codepublishing.com/wa/kirkland/html/kirklandz83/KirklandZ83.html#83.400> and Section 95.23 (Tree Removal - Not Associated with Development Activity)<http://www.codepublishing.com/wa/kirkland/html/kirklandz95/KirklandZ95.html#95.30>, the following chart outlines the City's approval based on your request. Please note that Trees #1 and #2 may not be removed at this time because they are not identified as hazard trees and the regulations in the Holmes Point Overlay prohibit removal of trees unless they are hazardous (see KZC Sections 70.15.3.a and 70.15.6.a).

Significant Trees:

Remove -
Hazard

Remove - Nuisance

Remove -
2 per 12 month allowance

Major pruning to reduce hazard and keep tree*

Tree #1 - 18.5" Deodar Cedar (southern or two Deodar cedars)

No

N/A

N/A

No

Tree #2 - 8" white oak

No

N/A

N/A

No

Tree #3 - Western Red Cedar south of cabin

Yes

Exhibit A

No

No

Yes, remove dead top or create wildlife/habitat snag and monitor

Tree #4 - north waterfront Lombardy poplar

Yes

No

No

Optional but recommend remove and replace

Tree #5 - south waterfront Lombardy poplar

Yes

No

No

Optional but recommend remove and replace

Tree #6 - northern birch

No

N/A

N/A

Yes, remove dead tops and monitor

Tree #7 - southern birch

No

N/A

N/A

Yes, remove dead tops and monitor

Conditions of Approval:

1. Pursuant to the requirements of KZC 83.400, a tree replacement plan must be submitted prior to snagging of Tree #3 or the removal of Trees #4 and #5. Because each of these trees is greater than 24 inches in diameter as measured at breast height, two trees are required to be planted within the shoreline setback for the property for each tree that is snagged or removed. At least two of the trees must be native conifers that are at least 6 feet tall at planting. Deciduous trees must be at least 2 inches in caliper at the time of planting. The shoreline setback is

depicted on the attached site plan.

2. Snagged trees must be girdled, following standard arboricultural practices, to prevent future canopy growth.

3. Replacement trees must be planted prior to January 31, 2014. Preferred planting seasons are prior to May 31st or after September 30th.

Please let me know if you have any questions.

Dawn Nelson
Planning Supervisor | City of Kirkland | Planning and Community Development
425-587-3230 | dnelson@kirklandwa.gov<mailto:dnelson@kirklandwa.gov> |
http://www.kirklandwa.gov<http://www.kirklandwa.gov/>

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www.ideasforum.Kirklandwa.gov<http://www.ideasforum.kirklandwa.gov/>

From: Alice L. Blanchard [mailto:ablanchardlaw@whidbey.com]
Sent: Friday, April 04, 2014 2:36 PM
To: Scott Guter
Cc: Alice L. Blanchard
Subject: RE: TRE14-01280 BLANCHARD

Dear Scott:

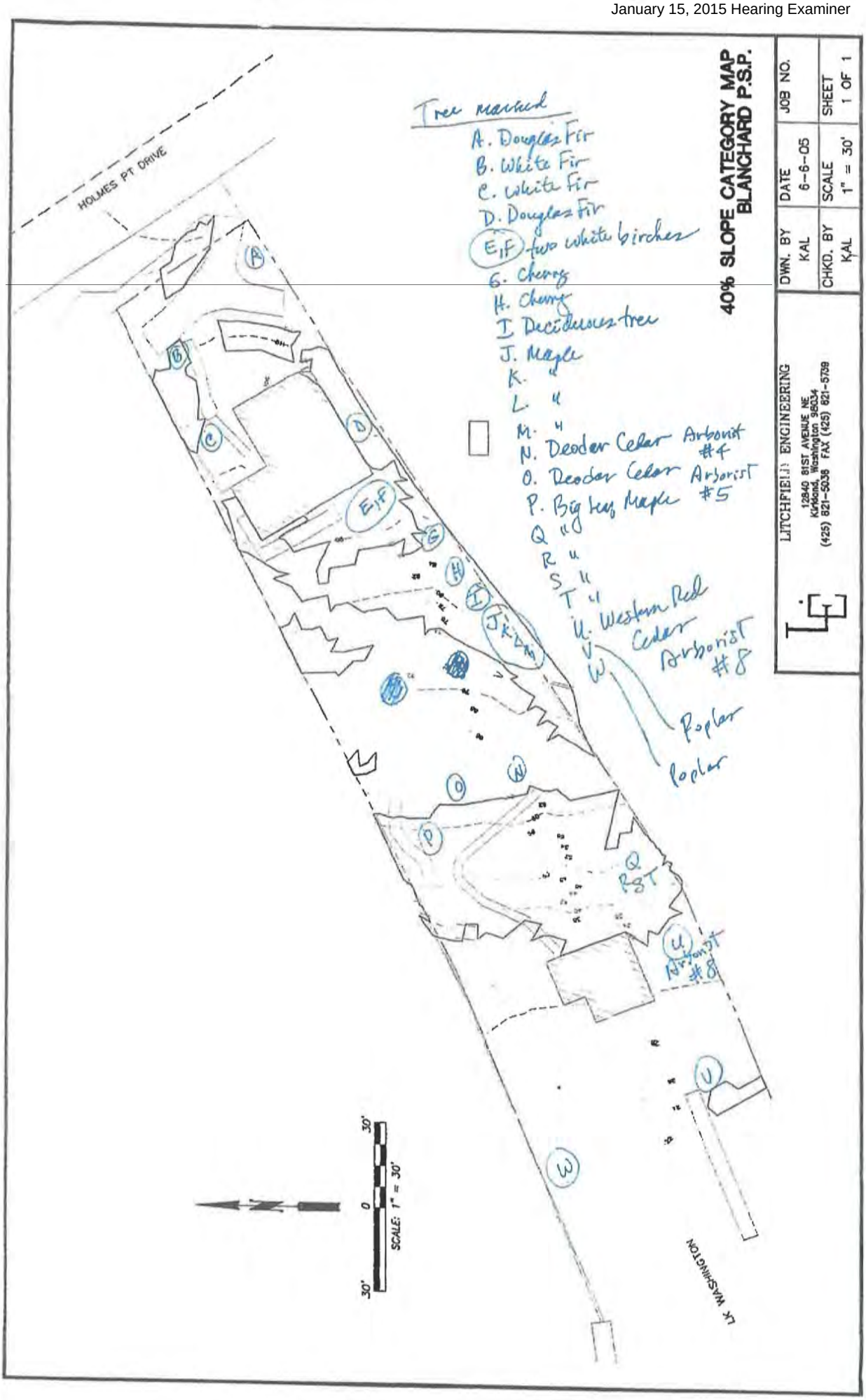
I'm forwarding to you my revised request for the above-referenced tree permit, along with Gillis Consulting's 4/3/2014 updated report. I'm not sure how your process works from this point forward, but I would be pleased to set up with an appointment with your contract arborist as soon as possible, and I am available on the weekends to meet with that person if a weekend appointment would fit his/her schedule. My contact information is cell phone: 425-864-1264 and office phone: 360-221-7040. Please feel free to pass along my contact information to the arborist who will be dealing with this particular permit request.

Thank you for your patience in waiting for additional information. Brian Gillis was tied up with testifying as an expert witness, and it took longer than we both expected for him to complete his report.

Alice L. Blanchard

Attachments:

TRE14-01280 SITE PLAN.pdf	736 KB


40% SLOPE CATEGORY MAP
BLANCHARD P.S.P.
HOLMES PT DRIVE
Tree marked
A. Douglas Fir
B. White Fir
C. White Fir
D. Douglas Fir
E, F two white birches
G. Cherry
H. Cherry
I Deciduous tree
J. Maple
K. "
L. "
M. "
N. Deodar Cedar Arborist #4
O. Deodar Cedar Arborist #5
P. Big leaf Maple
Q "
R "
S "
T "
U. Western Red Cedar Arborist #8
V
W
Poplar
Poplar
U Arborist #8
Q R S T
W
U
W
LK WASHINGTON
SCALE: 1" = 30'
30' 0 30'
LITCHFIELD ENGINEERING
12840 81ST AVENUE NE
Kirkland, Washington 98034
(425) 821-5038 FAX (425) 821-5709
DWN. BY KAL
CHKD. BY KAL
DATE 6-6-05
SCALE 1" = 30'
JOB NO.
SHEET 1 OF 1

Subject: RE: TRE14-01280 BLANCHARD
From: Dawn Nelson <DNelson@kirklandwa.gov>
Date: 4/30/2014 10:45 AM
To: "'Alice L. Blanchard'" <ablanchardlaw@whidbey.com>
CC: Scott Guter <SGuter@kirklandwa.gov>

Hi Alice,

The provisions of the Holmes Point Overlay (KZC Chapter 70) are more restrictive than those in the Tree Management regulations (KZC Chapter 95). Pursuant to KZC 170.50<http://www.codepublishing.com/wa/kirkland/html/kirklandz170/KirklandZ170.html#170.50>, when provisions of the code conflict with one another, the most restrictive provision applies.

With respect to the decision on your permit and appealing it, I apologize for not including the appeal information in my e-mail to you dated April 18, 2014. You may consider this e-mail your decision instead, with the appeal period starting today. Under KZC 145.60<http://www.codepublishing.com/wa/kirkland/html/kirklandz145/KirklandZ145.html#145.60>, you have 14 calendar days to file an appeal. The appeal fee is $215.77 and must be paid at the time you submit your appeal.

Please call or e-mail if you have further questions or would like to discuss your tree removal permit.

Dawn Nelson
Planning Supervisor | City of Kirkland | Planning and Community Development
425-587-3230 | dnelson@kirklandwa.gov<mailto:dnelson@kirklandwa.gov> | http://www.kirklandwa.gov<http://www.kirklandwa.gov/>

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From: Alice L. Blanchard [mailto:ablanchardlaw@whidbey.com]
Sent: Monday, April 28, 2014 3:21 PM
To: Dawn Nelson
Cc: Alice L. Blanchard
Subject: RE: TRE14-01280 BLANCHARD

CONFIDENTIALITY NOTICE

The pages accompanying this electronic mail or facsimile transmission contain information from the law office of Alice L. Blanchard which is confidential or privileged. The information is intended to be for the use of the individual or entity named on this e-mail or fax. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this information is prohibited. If you have received this e-mail or fax in error, please notify us by electronic mail, fax or telephone (360-221-7040) immediately so that we can arrange for the retrieval of the original documents at no cost to you.

Dawn:

I received your e-mail dated 4/18/14 regarding my application for the tree permit above-referenced and was surprised to see that there was a denial of my request to

Exhibit B

remove trees referenced as #1 and #2. Your first paragraph states those trees may not be removed at this time because they're not identified as hazard trees, and the regulations in the Holmes Point Overlay prohibit removal of trees unless they are hazardous. I think I've read all of the relevant code provisions applicable to this tree permit, and it appeared to me that the request for removal of the two trees would be approved because it would fall under KZC Chapter 95.23(5); and would meet all the appropriate conditions.

I've looked at the information regarding appeals and I believe I read somewhere that the instructions for appealing a final decision of the Planning Department would appear in the decision. Although I have yet to designate the replacement trees to be planted following the removal of the trees permitted to be removed, is the decision regarding tree #1 and tree #2 "final" for purposes of getting the appeal submitted? If so, I need to receive information on my time period for doing that so I don't miss any deadlines. I will follow-up this e-mail with a phone call later today.

Alice L. Blanchard
Office: 360-221-7040
Cell: 425-864-1264

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

   Tree topping is not allowed. If a tree required by this chapter is smaller than six (6) inches in diameter and is topped, it must be replaced pursuant to the standards in Chapter 1.12 KMC. If a tree six (6) inches or larger in diameter is topped, the owner must have a qualified professional develop and implement a 5-year restoration pruning program.

95.23 Tree Removal – Not Associated with Development Activity

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

2. Permit Required for Removal of Trees on Private Property or City Right-of-Way. It is unlawful for any person (other than City crews) to remove, prune, trim, modify, alter or damage a tree in a public park or on any other City property.

   No person, directly or indirectly, shall remove any significant tree on any property within the City, or any tree in the public right-of-way, without first obtaining a tree removal permit as provided in this chapter, unless the activity is exempted in KZC 95.20 and subsection (5) of this section.

3. Tree Removal Permit Application Form. The Department of Planning and Community Development and Public Works Department shall establish and maintain a tree removal permit application form to allow property owners to request City review of tree removal for compliance with applicable City regulations. The tree removal application form shall include at a minimum the following:

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

   b. For required replacement trees, a planting plan showing location, size and species of the new trees in accordance to standards set forth in KZC 95.33(3).

4. Tree Removal Permit Application Procedure and Appeals.

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

   b. The decision of the Planning Official is appealable using the applicable appeal provisions of Chapter 145 KZC.

5. Tree Removal Allowances.

   a. Any private property owner of developed property may remove up to two (2) significant trees from their property within a 12-month period without having to apply for a tree removal permit; provided, that:

      1) There is no active application for development activity for the site;

2) The trees were not required to be retained or planted as a condition of previous development activity; and

3) All of the additional standards for tree removal and Tree Removal Permits as described in subsections (5)(b) through (e) of this section are met.

The Department of Planning and Community Development shall establish and maintain a tree removal request form. The form may be used by property owners to request Department review of tree removal for compliance with applicable City regulations.

b. Tree Retention and Replacement Requirements.

1) Tree Retention. For single-family homes, cottages, carriage units, two/three-unit homes, two (2) trees shall be required to remain on the subject property.

2) Tree Replacement.

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

b) If a tree removal request is for one (1) or both of the trees required to remain, a Tree Removal Permit and one-for-one replacement is required. The replacement tree shall be six (6) feet tall for a conifer and 2-inch caliper for deciduous or broadleaf evergreen tree.

c) For all other uses not listed in subsection (5)(b)(1) of this section, a Tree Removal Permit is required and the required tree replacement will be based on the required landscaping standards in KZC 95.40 through 95.45.

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

d. Removal of Hazard or Nuisance Trees. Any private property owner seeking to remove any number of significant trees which are a hazard or nuisance from developed or undeveloped property or the public right-of-way shall first obtain approval of a Tree Removal Permit and meet the requirements of this subsection.

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

with plywood or similar material in order to protect roots from damage caused by heavy equipment.

2) Minimize root damage by excavating a 2-foot-deep trench, at edge of critical root zone, to cleanly sever the roots of trees to be retained.

3) Corrective pruning performed on protected trees in order to avoid damage from machinery or building activity.

4) Maintenance of trees throughout construction period by watering and fertilizing.

3. Grade.

a. The grade shall not be elevated or reduced within the critical root zone of trees to be preserved without the Planning Official's authorization based on recommendations from a qualified professional. The Planning Official may allow coverage of up to one-half (1/2) of the area of the tree's critical root zone with light soils (no clay) to the minimum depth necessary to carry out grading or landscaping plans, if it will not imperil the survival of the tree. Aeration devices may be required to ensure the tree's survival.

b. If the grade adjacent to a preserved tree is raised such that it could slough or erode into the tree's critical root zone, it shall be permanently stabilized to prevent suffocation of the roots.

c. The applicant shall not install an impervious surface within the critical root zone of any tree to be retained without the authorization of the Planning Official. The Planning Official may require specific construction methods and/or use of aeration devices to ensure the tree's survival and to minimize the potential for root-induced damage to the impervious surface.

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

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

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

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

95.40 Required Landscaping

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

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

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

a. Various use zone charts, in Chapters 15 through 60 KZC, establish additional or special buffering requirements for some uses in some zones.

b. Chapter 85 KZC, Geologically Hazardous Areas, addresses the retention of vegetation on steep slopes.

c. Chapter 90 KZC, Drainage Basins, addresses vegetation within sensitive areas and sensitive area buffers.

d. Chapter 110 KZC and Chapter 19.36 KMC address vegetation within rights-of-way, except for the I-405 and SR-520 rights-of-way, and the Cross Kirkland Corridor railbanked rail corridor or the Eastside Rail Corridor.

e. KZC 115.135, Sight Distance at Intersections, which may limit the placement of landscaping in some areas.

f. Chapter 22 KMC addresses trees in subdivisions.

2. Use of Significant Existing Vegetation.

a. General. The applicant shall apply subsection KZC 95.30(3), Tree Retention Plan Procedure, and KZC 95.32, Incentives and Variations to Development Standards, to retain existing trees and vegetation in areas subject to the landscaping standards of this section. The Planning Official shall give substantial weight to the retained trees and vegetation when determining the applicant's compliance with this section.

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

c. Protection Techniques. The applicant shall use the protection techniques described in KZC 95.34 to ensure the protection of significant existing vegetation.

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

95.41 Supplemental Plantings

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

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

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

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

Chapter 70 – Holmes Point Overlay Zone

Sections:

70.05 Purpose

The purpose of the Holmes Point minimum site disturbance development standards is to allow infill at urban densities while providing an increased level of protection for the Holmes Point area, an urban residential area characterized by a predominance of sensitive environmental features including but not limited to steep slopes, landslide hazard areas and erosion hazard areas, and further characterized by a low level of roads and other impervious surfaces relative to undisturbed soils and vegetation, tree cover and wildlife habitat. These standards limit the allowable amount of site disturbance on lots in Holmes Point to reduce visual impacts of development, maintain community character and protect a high proportion of the undisturbed soils and vegetation, tree cover and wildlife, and require an inspection of each site and the area proposed to be cleared, graded and built on prior to issuance of a building permit.

70.15 Standards

Within the parcels shown on the Kirkland Zoning Map with an (HP) suffix, the maximum impervious surface standards set forth in Chapter 18 are superseded by this (HP) suffix, and the following development standards shall be applied to all residential development:

1 When review under Chapters 85 or 90 (Environmentally Sensitive Areas) or the City of Kirkland's Surface Water Design Manual is required, the review shall assume the maximum development permitted by this (HP) suffix condition will occur on the subject property, and the threshold of approval shall require a demonstration of no significant adverse impact on properties located downhill or downstream from the proposed development.

2. Total lot coverage shall be limited within every building lot as follows:

   a. On lots up to six thousand five hundred square feet in size, two thousand six hundred square feet;

   b. On lots six thousand five hundred and one to nine thousand square feet in size, two thousand six hundred square feet plus twenty eight percent of the lot area over six thousand five hundred square feet;

c. On lots over nine thousand square feet in size, three thousand three hundred square feet plus ten percent of the lot area over nine thousand square feet;

d. On a lot already developed, cleared or otherwise altered up to or in excess of the limits set forth above prior to July 6, 1999, new impervious surfaces shall be limited to five percent of the area of the lot, not to exceed 750 square feet;

e. For purposes of computing the allowable lot coveragewithin each lot, private streets, joint-use driveways or other impervious-surfaced access facilities required for vehicular access to a lot in easements or access panhandles shall be excluded from calculations.

Summary Table:

Lot Size	**Maximum Lot Coverage**
Less than 6,500 sq. ft.	2,600 sq. ft.
6501 sq. ft. to 9,000 sq. ft.	2,600 sq. ft. plus 28% of the lot area over 6,500 sq. ft.
9,001 sq. ft. or greater	3,300 sq. ft. plus 10% of the lot area over 9,000 sq. ft.
Developed , cleared or altered lots	New impervious limited to 5% of the total lot are, but not to exceed 750 sq. ft.

3. In addition to the maximum area allowed for buildings and other impervious surfaces under subsection 70.15.2, up to 50 percent of the total lot area may be used for garden, lawn or landscaping, provided:

a. All significant trees, as defined in Chapter 95, must be retained. The limits set forth in this subsection are to be measured at grade level; the area of allowable garden, lawn or landscaping may intrude into the drip line of a significant tree required to be retained under this subsection if it is demonstrated not to cause root damage or otherwise imperil the tree's health;

b. Total site alteration, including impervious surfaces and other alterations, shall not exceed 75 percent of the total lot area; and

c. If development on the lot is to be served by an on-site sewage disposal system, any areas required by the department of public health to be set aside for on-site sewage disposal systems shall be contained as much as possible within the portion of the lot altered for garden, lawn or landscaping as provided by this subsection. If elements of the on-site sewage disposal system must be installed outside the landscaped area,

the elements must be installed so as not to damage any significant trees required to be retained under subsection 70.15.3.a, and any plants that are damaged must be replaced with similar native plants.

4. Subdivisions and short subdivisions shall be subject to the following requirements:

   a. New public or private road improvements shall be the minimum necessary to serve the development on the site in accordance with Chapter 110. The City shall consider granting modifications to the road standards to further minimize site disturbance, consistent with pedestrian and traffic safety, and the other purposes of the road standards; and

   b. Impervious surfaces and other alterations within each lot shall be limited as provided in subsections 2 and 3. In townhouse or multifamily developments, total impervious surfaces and other alterations shall be limited to two thousand six hundred square feet per lot or dwelling unit in the R-6 and R-8 zones, and three thousand three hundred square feet per lot or dwelling unit in the R-4 zone.

5. The Department of Planning and Community Development shall conduct site inspections prior to approving any site alteration or development on parcels subject to this (HP) suffix condition as follows:

   a. Prior to issuing a permit for alteration or building on any individual lot subject to this (HP) suffix condition, the Planning Official shall inspect the site to verify the existing amount of undisturbed area, tree and other plant cover, and any previous site alteration or building on the site. Prior to this inspection and prior to altering the site, the applicant shall clearly delineate the area of the lot proposed to be altered and built on with environmental fencing, high-visibility tape or other conspicuous and durable means, and shall depict this area on a site plan included in the application.

   b. Prior to approving any subdivision, or building permit for more than one dwelling unit on any parcel subject to this (HP) suffix condition, the Planning Official shall inspect the site to verify the amount of undisturbed area, tree and other plant cover, and any previous site alteration or building on the site. Prior to this inspection and prior to altering the site, the applicant shall clearly delineate the area of the proposed grading for streets, flow control and other common improvements, with environmental fencing, high-visibility tape or other conspicuous and durable means, and shall depict this area on a plot plan included in the application. Development of individual lots within any approved subdivision or short subdivision shall be subject to an individual inspection in accordance with subsection a.

6. Areas not covered by impervious surfaces or altered as provided in subsections 2, 3, or 4, which are not environmentally sensitive areas governed by Chapters 85 or 90, shall be maintained in an undisturbed state, except for the following activities:

   a. Incidental trimming or removal of vegetation necessary for protection of property or public health and safety, or the incidental removal of vegetation to be used in the celebration of recognized holidays. Replacement of removed hazardous trees may be required;

   b. Areas infested by noxious weeds may be replanted with appropriate native species or other appropriate vegetation;

   c. Construction of primitive pedestrian-only trails in accordance with the construction and maintenance standards in the U.S. Forest Service "Trails Management Handbook" (FSH 2309.18, June 1987, as amended) and "Standard Specifications for Construction of Trails" (EM-7720-102, June 1996, as amended); but in no case shall trails be constructed of concrete, asphalt or other impervious surface;

   d. Limited trimming and pruning of vegetation for the creation and maintenance of views, and the penetration of direct sunlight, provided the trimming or pruning does not cause root damage or otherwise imperil the tree's health as allowed for in Chapter 95; and

   e. Individual trees or plants may be replaced with appropriate species on a limited basis. Forested hydrological conditions, soil stability and the duff layer shall be maintained.

7. Conformance with this (HP) suffix condition shall not relieve an applicant from conforming to any other applicable provisions of the Zoning Code, Subdivision Ordinance, or Shoreline Master Program.

70.25 Variations from Standards

For development activity occurring after July 6, 1999, upon written request from the applicant, the Planning Director may allow up to a ten percent increase in impervious surface on individual lots over the limits set forth above, provided such increase is the minimum necessary to allow reasonable use of the property and meets all other applicable decision criteria for a variance as provided in Chapter 120, and one or more of the following circumstances applies:

1. Development of a lot will require a driveway sixty feet or longer from the lot boundary to the proposed dwelling unit;

2. On-site flow control facilities are required by the Public Works;

3. The requested increase will allow placement of new development on the site in such a way as to allow preservation of one or more additional significant trees, as defined in Chapter 95, that would otherwise be cleared; or

4. The requested increase is necessary to provide additional parking, access ramp or other facilities needed to make a dwelling accessible for a mobility-impaired resident.