



**CITY OF KIRKLAND**  
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**MEMORANDUM**

**To:** Planning Commission and Houghton Community Council

**From:** Deb Powers, Urban Forester  
Jeremy McMahan, Planning and Building Deputy Director  
Adam Weinstein, Planning and Building Director

**Date:** April 25, 2019

**Subject:** Draft Code Amendments, Kirkland Zoning Code Chapter 95  
Tree Management and Required Landscaping, File Number CAM18-00408

**Staff Recommendation**

Receive a briefing on the status of [Kirkland Zoning Code Chapter 95](#) (KZC 95) code amendments.

**Background**

KZC 95 establishes a permit process and standards for the protection and replacement of trees - mainly on private property. The regulations address tree management in three basic categories: tree removal where no development is involved; tree retention associated with development activity; and landscaping/buffer requirements.

Apart from minor code amendments, KZC 95 was last updated in 2010. Since then, policy goals established in Kirkland's Comprehensive Plan were revised and an [Urban Forestry Strategic Management Plan](#) was created to maintain a healthy, sustainable urban forest in Kirkland. The purpose of the 2018-2019 tree code amendment project is to support these goals, to address issues and challenges that have arisen since 2010 and to update the code so that it is effective and practical to use.

The process to update the tree code started with the Planning Commission in June of 2018. The Planning Commission, Houghton Community Council, and City Council have subsequently held a number of study sessions and briefings to provide staff with direction on the proposed amendments. Those meetings and the direction received are summarized below.

In the fall of 2018, a group of stakeholders representing the Master Builders Association of King/Snohomish Counties (MBAKS) and the Finn Hill Neighborhood Alliance (FHNA) began collaborating on potential tree protection approaches that could be mutually acceptable to their constituents. A proposed approach from this stakeholder group was presented to the City in January 2019. The Planning Commission, Houghton Community Council and the City Council have encouraged staff to continue working with the

stakeholder group on the draft amendments with a goal of creating predictable and consistent regulations for tree retention. Following the initial direction from the Planning Commission, staff has met regularly with the stakeholder group eight times and has additional meetings scheduled.

### **Planning Commission Comments**

The Planning Commission (PC) provided feedback on a general approach for the most straightforward potential code amendments having the least policy impacts at the [September 13, 2018](#) and the [September 27, 2018](#) PC meetings. The PC requested additional information and options for some of the potential code changes, which was presented in the [November 8, 2018](#) PC meeting memo with a compilation of public comments and outreach results.

The focus of the November 8 meeting involved discussions on tree retention with development activity codes, the most complex and controversial of the potential code amendments. The PC arrived at a general approach for some of these; on the remaining issues, staff was directed to return with recommendations that incorporated input from the newly-formed partnership between the MBAKS and the FHNA.

At the [February 14, 2019](#) PC meeting, the PC resumed discussions on the remaining potential code amendments with additional information from the two stakeholder groups, the areas of agreement resulting from their collaboration over the previous months. The PC supported most recommendations regarding tree retention with development activity and directed staff to work closely with the stakeholders to:

- Establish appropriate numerical thresholds such as the trunk diameter of Landmark trees, tree density credits per acre, a cut-off point or “cap” on the maximum number of tree credits awarded for individual existing trees, etc.
- Clearly define trees most worthy of retention (by size, condition, and location on a development site) and their protection measures
- Identify an acceptable short plat/subdivision process so tree retention decisions can be made early, when access roads and utilities are configured (Integrated Development Plan, or IDP)

### **Houghton Community Council Comments**

The Houghton Community Council (HCC) communicated to staff at the [August 27, 2018 meeting](#) that code changes should:

- Define High Retention Value trees in a less subjective manner
- Clarify the code section regarding public tree removals
- Retain tree groves in parking lots whenever possible
- Clarify the modification process for phased or integrated tree plan review (IDP)
- Address tree removal prior to development permit submittal that is the “unintended consequence” of unclear and unpredictable codes
- Not address damage to trees adjacent to development properties (should remain a civil issue)
- Integrate tree protection fence inspections with building inspection procedures

Most of these code changes were reiterated at a joint meeting with the PC on [November 26, 2018](#). At that meeting, the HCC provided guiding principles developed for their analysis of the Chapter 95 code amendments. Staff will provide a brief description of whether proposed code amendments achieve each principle in the next Chapter 95-related staff report for HCC.

At a project update at the [November 20, 2018](#) City Council meeting, Council agreed that staff should continue working with the stakeholder groups on the remaining code issues.

### **Next Steps**

The emphasis of the April 25 PC/HCC meeting presentation is to provide an update on the KZC 95 code amendment process. Staff has continued working with stakeholder groups on changes that will result in a more prescriptive/predictable and streamlined code. Recent discussions focus on developing what the code should say and what mechanisms can be used or required to meet the City's goals for tree retention. After gaining agreement on the basic concepts for tree retention, draft code to implement those concepts will follow. Progress on these concepts has been slow, not due to any particular disagreements, but due to the challenges of working through complex issues with a group of staff and constituents.

Staff will return to the Planning Commission at the May 9, 2019 meeting with additional updates on the progress of the amendments. Due to the project delays that have occurred due to collaboration, staff would seek input from the Planning Commission and Houghton Community Council to confirm the benefits of this approach and acceptance that the project schedule will continue to slip into summer.

### **No Attachments**

cc: File Number CAM18-00408