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| current code | | pLANNING COMMISSION RECOMENDATION1 *Factors Considered2* | what DOES IT do? | **effect3** | **city council direction** |
| **Property Owner Tree Removals** | Allows 2 tree removals per 12 months on any size property, without a permit. | Increase annual tree removal allowance according to property size *+ More equitable with larger properties*  *+ Balanced by limited Landmark tree removal*  *+ No permit required; notification requested (more streamlined)*  *- Cannot track specific tree removal data* | Allows greater tree removals without a permit:  2 removals for lots <10,000 sq. ft  3 removals for lots 10,001-20,000 sq. ft  4 removals for lots >20,001 sq. ft |  | Concur with PC recommendations Result: greater tree removal. |
| Requires replanting only when the last 2 trees are removed. Permit required. | Increase number of replacement trees and minimum number of existing trees to remain on larger properties *+ Commensurate with tree removal allowances**+ Offsets increased tree removal allowances over time* | Requires 1:1 tree replacements when removals on larger properties include the last 2, 3, or 4 remaining existing trees. |  | Concur with PC recommendationsResult: increases number of trees replanted on larger lots. |
| Maintain larger, wooded lots using Forest Management Plan. Permit required. | minor changes to Forest Management Plan:*+ To remove >6 trees per 12 months**+ Cannot remove Landmark trees or designated groves**+ May require performance security* | Supports traditional stand management for selective thinning/replanting on wooded lots >35,000 sq. ft. | **O** | CONCUR with PC recommendations+ INCREASE size of replacements from 3’ to 6’heightResult: no change in canopy effect. |
| No age/size distinction for property owner removal or development tree retention. | establish new Landmark tree category  *+ Define as minimum 30” DBH trees in good-excellent condition*  *+ Retention efforts result in immediate and long-term effects* | Protects large, healthy trees that provide greatest public benefit until newly-planted trees can (10-20 years). | **O** | Broaden PC recommendation: minimum 26” DBH trees Result: definition has little consequence without removal limits. (see Tier 1 Landmark trees/with development below). |
| Allows 2 tree removals per 12 months, regardless of tree size, without a permit or replacements. | Limit property owner Landmark tree removal *+ Compromise with HCC to limit vs. prohibit Landmark tree removals*  *+ Offsets increased tree removal allowances immediately*  *+ Can track Landmark tree removal/replacement data* | Allows 1 Landmark tree removal per 24 months with a permit (slows loss of Landmark trees). | **O** | **Disagree with PC recommendation**  Result: allow 2 (3? 4?) Landmark tree removals within 12 months (no permit), consistent with current code. Cannot track Landmark tree removal data. |
| 1:1 replacements are nursery-sized trees, regardless of removed tree size. | increase replanting standards for Landmark tree removals *+ Described as “robust” replacement standards*  *+* *Provides an even succession of benefits over time* | Undetermined. More “robust” tree replacement standards may incentivize Landmark tree retention. | **?** | No direction, considering greater mitigation standards for the 2nd Landmark removal within 12 months. |
| Does not allow removal of overgrown tree-hedges under “2-per” code provision. | Increase allowed tree removals to remove overgrown hedges consisting of trees >6” DBH *+ Balances limited Landmark tree removal*  *+ Require 1:1 replacements*  *+ Will provide even succession of benefits over time*  *- Greater number of allowed tree removals at one time* | Allows the removal of overgrown hedges that exceed allotted tree removal allowances. Permit required. |  | Concur with PC recommendations Result: greater tree removal |
| Tree removal (including girdling) to avoid development code compliance is not addressed in the current code. | **Prohibit preemptive tree removals: require wait period to submit SPL/SUB development permits following tree removals by size:** 1-year wait for regulated trees (>6” DBH)2-year wait for Landmark trees (>30” DBH)**Prohibit girdling of trees on prospective development sites:**  * *Add/adjust girdling and removal definitions* * *Increase penalties for unauthorized tree removals* | Allows equitable application of development codes and prevents potential hazard tree failure resulting from girdling |  | **Increase wait period to submit SPL/SUB development permits following tree removals by size:**   * *2-year wait for regulated trees (>6” DBH)* * *4-year wait for Landmark trees (>26” DBH)*   **ADD** hardship clause to allow leniency with wait periods for special circumstances justifying Landmark tree removals prior to development. |

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| **current code** | | pLANNING COMMISSION RECOMENDATION1 *Factors Considered2* | **what DOES IT do?** | **effect3** | **city council direction** |
| **Development Requirements** | Currently retain large-DBH trees where practicable. | **Tier 1 - Landmark trees**  *+ May improve retention on clustered SPLs/SUBs and larger lots*  *o No change in large tree retention on average-sized lots*  *-* *Retaining large tree critical root zones on average lots with minimum 50% lot coverage will continue to be a challenge* | Intends to provide highest level of tree protection for 30” DBH minimum Landmark trees in good-excellent health with development. | **X** | **Concur with PC recommendation**  Result: potentially slight increase in Landmark tree retention with larger lots, however, efforts may be neutralized by property owner removal allowances. |
| Grove trees defined without size or condition limits, protected in perpetuity. | Tier 1 - Groves *+ Increased code predictability and known development feasibility*  *- Reduces age diversity of retained grove trees*  *- Condition criteria exclude trees in fair condition*  *- Size criteria eliminate 6-11” DBH trees in groves* | Redefines grove by size and condition:   * Must fit good-excellent condition criteria * Each tree must be minimum 12” DBH * Cannot remove preserved groves as a hedge |  | Result: less tree retention  Council has indicated general agreement with PC recommendation |
| High/Moderate Retention Value trees | Tier 2 trees *+ Increase predictability of review process*  *- Slightly less tree retention by excluding Moderate Retention Value trees located outside setbacks* | Tier 2 trees defined as good-excellent condition trees located in setbacks |  | Result: less tree retention  No direction |
| “…good health, with low risk of failure due to structural defects…is a species suitable for its location.” | ESTABLISH tree condition ratings *+ Greater code clarity*  *- Current definitions are considered too subjective*  *- Significantly less tree retention without “fair” condition tree protection* | Clearly define tree health/structure using industry standards in layperson terms organized within chart format |  | Result: less tree retention  Council has indicated general agreement with PC recommendation |
| Simply focused on trees located in setbacks | ESTABLISH specific building envelope dimensions *+ Greater predictability for developers*  *- Increased code complexity for all*  *- Increased code text*  *- Increased difficulty at development feasibility phase*  *- Increased design/review time applying 2 building envelope dimension standards* | Guarantees development rights using specific building envelopes:   * Tier 1: 40’w x 40’d with contiguous/shifting 20’w x 20’d * Tier 2: 50’w x 50’d footprint, or * Building facades greater than 50’w: the maximum footprint shall be less 10% a distance between side setbacks, etc. | **O** | Result: no or negligible effect  No Council direction |
| “Retain if feasible” or “to the maximum extent possible” code language | Specify extent of tree retention requirements *+ Greater predictability for developers*  *+ Greater code clarity* | Specifies requirements for:   * Site plan alterations (building design/configuration on lot) * Tree retention/protection methods | **O** | Result: no or negligible effect  No Council direction |
| “Retain if feasible” or “to the maximum extent possible” code language | SPECIFY code flexibility elsewhere *+ Greater predictability for developers*  *+ Greater code clarity* | Allow variations to other codes/standards to retain trees | **O** | Result: no or negligible effect  No Council direction |
| Not clearly specified | ESTABLISH order of priority for tree retention and replanting *+ Greater predictability for developers*  *+ Greater code clarity* | Must exhaust, in this order, these code options:   1. Retain 2. Plant on site 3. Plant offsite 4. Payment in lieu of planting | **O** | Result: no or negligible effect  No Council direction |
| IDP required in HPO but optional citywide | **Integrated Development Plans (IDP) for SPL/SUB development**  *+ Greater predictability for developers*  *+ Greater awareness of tree protection and removals upfront*  *+ More information available to neighbors*  *+ Greater successful tree retention with early planning* | Citywide IDP standards will:  Eliminate phased development review process  Limit tree removals that occur at various permit stages  Streamline modification section of code  Require Planning Director decision for modifications (vs. Hearing Examiner) |  | Result: greater tree retention, less tree removalCouncil has indicated general agreement with PC recommendation |
| Arborvitae is currently eligible for tree density credits when planted as replacement trees | Arborvitae not eligible for tree density credits *+ Supplemental tree planting should meet code intent*  + *Allow its planting, it just don’t count for credits* | Prevents excessive use of arborvitae planted on development sites in response to field study findings | **?** | Result: assumption of meeting intent of code over time  Council has indicated general agreement with PC recommendation |

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| **Key:** | O | No change compared to current code |  | PC recommendation: results in greater tree retention, less tree removals |  | PC recommendation: results in greater tree removal, less tree retention | **?** | Unknown or untested | **X** | City Council direction neutralizes effect of PC recommendation |

1PC RECOMMENDATIONS – shown in the [draft code](https://kirkland.prelive.opencities.com/files/sharedassets/public/planning-amp-building/planning-and-building-images/pbd-general-images/webpage-draft-kzc-95.pdf) and summarized in the January 9, 2019 Planning Commission [memo](https://www.kirklandwa.gov/files/sharedassets/public/city-council/agenda-documents/2020/january-21-2020/item-3b.pdf) to City Council, Attachment 1 on E-pages 14-18

2factors considered – shown in italics as *(o) No, neutral or negligible, (+) Positive, and (-) Negative change based on a comparison to the current code, stakeholder/public feedback and current development review procedures.*

3EFFECTS – tree removal/retention outcomes from analysis of 22 issued Single Family development permits using the current tree code as a baseline for comparison. Shown in the January 21, 2020 [memo](https://www.kirklandwa.gov/files/sharedassets/public/city-council/agenda-documents/2020/january-21-2020/item-3b.pdf) to City Council, Attachment 3, on E-page 24

Key to acronyms/abbreviations:

DBH – Diameter at Breast Height; tree trunk measurement at 4.5’ feet above grade

HCC – Houghton Community Council

HPO – Holmes Point Overlay

IDP Integrated Development Plan

PC – Planning Commission

SPL/SUB – short plat or subdivision development