



CITY OF KIRKLAND
Planning and Building Department
123 5th Avenue, Kirkland, WA 98033
425.587.3600

MEMORANDUM

To: Kurt Triplett

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

Date: April 22, 2021

Subject: DRAFT CODE AMENDMENTS, KIRKLAND ZONING CODE CHAPTER 95
TREE MANAGEMENT AND REQUIRED LANDSCAPING
FILE NUMBER CAM18-00408

RECOMMENDATION:

It is recommended that City Council resume its briefing on the amendments to Kirkland Zoning Code Chapter 95 ([KZC 95](#)) prior to adopting the draft code. This Council discussion is not intended to be a comprehensive review of the draft code but is intended to focus on broader substantive issues that will help inform future detailed discussions.

BACKGROUND DISCUSSION:

The City Council initiated the KZC 95 code amendments as a 2018 Planning Work Program project. The purpose of the 2018-2021 tree code updates was to support the goals established in Kirkland's Comprehensive Plan and the objectives in the Urban Forestry Strategic Management Plan (UFSMP), to address issues and challenges that have arisen since the last tree code revision (2010) and to update the code so that it is effective and practical to use. In June 2018, the Planning Commission (PC) initiated the KZC 95 code amendment process by studying the policies and background information related to Kirkland's tree code. Staff conducted a field study, tree canopy assessment, multiple code analyses and worked closely with stakeholder groups over the next eighteen months. The Houghton Community Council (HCC) and City Council received briefings as the project progressed.

A joint public hearing was held on November 5, 2019 with the PC and HCC to obtain community feedback on the draft code. After carefully considering verbal/written public testimony from the public hearing, the HCC's recommendations, and code changes from a policy, legal, code enforcement, staff and stakeholder perspective, the PC delivered recommendations for amendments to the tree code to the City Council at the January 21, 2020 study session for City Council consideration for adoption. The background of the KZC 95 code amendment project is described in greater detail in the [January 21, 2020](#) study session memo, with links to specific subject matter covered in prior public meetings.

After the City Council began its review of the draft code in early 2020, the project was put on hold until further notice due to the COVID pandemic response and the Governor's directives that only "necessary and routine" legislative items could receive Council action. The City Attorney advised that the tree code update was not necessary and routine. That restriction has since expired. In the interim, the City Council has taken several steps to improve management of public and private trees, including:

- Adopting new rules for the enforcement of the current tree code, Kirkland Municipal Code 1.12.100, which went into effect in May 2020.
- Adopting the Urban Forestry 6-Year Work Program to guide staff on urban management priorities and initiatives.
- Approving two service packages for the City to improve inventories of public trees, establish planting priorities based on the inventory, and investigate a formal tree bank program to help mitigate canopy loss.
- Initiating the Holmes Point Overlay Zone Street Design and Holmes Point Drive Corridor Study

GENERAL DIRECTION OF DRAFT KZC 95:

The PC developed its code recommendations based on acceptable results in tree removal/retention that, together, work towards Kirkland's long-range policy goals. One of the complexities of KZC 95 is the interconnectedness of code provisions. The PC was mindful that one code provision may neutralize or enhance the effect of others. Further, some provisions may have an immediate effect while others may not have an effect for 10-20 years.

Based on a previous City Council request, Attachment 1 summarizes the Planning Commission's recommended draft code by its effect compared to the current code. Prior direction provided by the City Council on the draft code is indicated, along with the effects of this direction on tree retention. The factors considered by the PC, such as immediate or long-term effects, are included so that, as the Council continues with KZC 95 code revisions, the overall direction of the code is evident.

As the City Council restarts its review of the draft changes to KZC 95, this memo poses questions about the general direction and high-level outcomes of the draft code. Although Council has provided direction on most draft code provisions pertaining to homeowner tree removal, questions about the general direction of this code section are included so that Council may examine the overall effect and the relationship of these homeowner requirements to other provisions of the tree code that apply to development. Section I (below) summaries at a high level the code changes recommended by the Planning Commission related to homeowner tree removals. Section II summaries at a high level the code changes recommended by the Planning Commission related to trees and development.

For each code topic in Sections I and II, the following information is provided:

- Introduction to the Planning Commission's recommendation on each potential code change. In cases where the City Council previously discussed modifications to the PC recommendation, the City Council direction is also discussed.

- A key question (*in italics*) is posed for the City Council related to that proposed change.
- A “real world” example is provided to illustrate the change.
- The likely results of the change are summarized, based on the analysis contained in Attachment 1.
- Options are identified for Council to consider in their response. Due to the interrelatedness of the options, Council may wish to consider the mitigation topics discussed in conjunction with certain options. For example, if Council selects a “more permissive” option, it may be paired with a mitigation requirement that offsets the impact.

Optimally, Council would identify a majority position in response to each question below, providing staff with direction to bring back a draft code that meets City Council direction. Future meetings can delve into specific code sections and topics of interest to the Council based on responses to these more general questions.

SECTION I: GENERAL DIRECTION ON PROPERTY OWNER TREE REMOVAL CODES.

Below are four key code changes recommended by the Planning Commission and related questions and supporting analysis intended to further clarify the Council’s direction related to property owner tree removals.

CODE CHANGE 1: The PC recommended that, instead of the current “2-per year” tree removal allowance applicable to all property sizes, the code would allow a greater number of tree removals on larger-sized properties.

Code Change Question 1: The draft code allows more property owner tree removals than the current code. Is that increase balanced and acceptable, or should property owners be allowed more/less tree removal than the current code?

Example: I have a 15,000-square-foot lot with numerous trees, so I’ll be able to remove 3 trees without a permit instead of 2 so I have more latitude to manage how I use my yard and what I grow on my lot.

Result: More tree removals than the current code. See replacement tree discussion under Code Change 4.

Options:

- Too permissive? Offset greater removal allowance by reconsidering hedge removals or limiting Landmark tree removals. Or, adhere to the current “2-per” removal allowance for all sized properties.
- Too restrictive? Increase tree removal allowances per property size by 1 tree.

CODE CHANGE 2: As noted in Code Change 1, the PC recommended to increase the number of trees allowed to be removed every 12 months on larger properties. The Council has discussed an additional amendment that would apply the tree condition ratings (from the trees/development code section) so fair and poor trees can be removed in addition to hazard and nuisance tree removals.

Code Change Question 2: Should homeowners be allowed to remove additional trees if they are in poor or fair condition? In other words, should the tree removal allowance (number of trees per year) only pertain to trees in good or excellent condition?

Note that the recommended condition ratings were intended to increase code predictability with development permits, so that the best candidates for tree preservation can be selected. Considering the application of the same rating system to property owner tree removals does not suggest the City intends to regulate the condition of trees on private property. When comparing the draft "poor" tree condition to the hazard tree definition/tree risk assessment (TRAQ) process, in most circumstances a "poor" condition tree would be deemed a hazard tree.

Example: I live on a larger-than-average-sized lot (10,500 square feet) and have 5 trees on my property that I want to remove. Under the draft code, I can remove 3 of those trees, regardless of their condition without a permit or arborist report due to my property size. In addition, I can remove any others that are determined as hazard or nuisance trees with an arborist report and permit review. An arborist report indicates that four trees are in "good" condition and the fifth tree is in "fair" condition. None of my trees qualify as hazard or nuisance trees. I can therefore remove a total of 4 trees by applying the 3-tree base removal allowance for larger properties plus the draft (development code) tree condition rating system to remove the tree in "fair" condition.

I'll need to wait 12 months to remove the fifth tree that is in excellent condition under the removal allowance.

Result: Increased tree removals compared to the current *and* draft code. See Code Change 4 for a discussion on tree replacements.

Options:

- Too permissive? Apply the tree condition ratings to allow the removal of "poor" and "fair" condition trees in addition to hazard and nuisance tree removals and the base tree removal allowance.
- Too restrictive? To slow the immediate effects of canopy loss, don't apply tree condition ratings to property owner tree removals. Or, only apply the "poor" condition rating (not the "fair" rating) to property owner tree removals. Or, significantly increase the number of trees remaining on the lot so that replanting requirements kick in sooner. To mitigate the long-term effect of canopy loss, increase the number of replacement trees.

CODE CHANGE 3: The PC recommended a new category of "Landmark trees," with limits to property owner tree removal. There is general consensus that larger trees provide various benefits to the community. The City Council has discussed not imposing any new limits to property owner Landmark tree removal.

Code Change Question 3: Should Landmark trees be allowed to be removed at the same rate as other trees? In other words, should the proposed class of Landmark trees only apply when a development permit is proposed?

Note that the City Council has discussed mitigation standards for property owner Landmark tree removal (discussed below under Code Change 4) and Landmark tree requirements related to subsequent development following Landmark tree removal, such as:

- *Wait periods for development permit submittal;*
- *A clause for extenuating circumstances that would waive wait periods; and*
- *Retention and protection measures (Code Changes 5-7 below).*

Example: My neighbor on one side just removed 2 huge trees (that I think have historical significance) without a permit so they could get a better view!

Result: This scenario could occur under the current code. Under the draft code, each Landmark tree removal would require a 24-month period between each removal, slowing the loss of large amounts of tree canopy at one time. To track Landmark tree removal data, a permit should be required. The City Council has indicated direction to allow the removal of 2 (possibly 3 or 4 under the increased removal allowance) Landmark trees at the same time without a permit if mitigated in some way. In terms of immediate canopy loss resulting from property owner Landmark tree removal alone, the resulting effect on canopy cover is the same as the current tree code's 2-per tree removal allowance described in Code Change 3 example above.

See Code Change 4 below for a discussion on tree replacement requirements.

Options:

- Too permissive? Limit Landmark tree removals at a different rate using a permit system to track removals over time and/or require tree replacement or tree credit payments.
- Too restrictive? Don't create a new Landmark tree designation and/or do not limit property owner tree removals based on the size of the trees.

CODE CHANGE 4: The PC recommended that property-owner Landmark tree removal should require "robust" mitigation, without providing specific recommendations. The City Council has discussed greater mitigation standards for removal of a second (out of two removals at the same time) Landmark tree, but an exact mitigation formula has not yet been determined.

Code Change Question 4: What are appropriate mitigation requirements for property-owner Landmark tree removals?

Example: My friends in Kirkland live on a very large lot (about 20,500 square feet) with 6 big trees on it. They decide to remove a 40" DBH (trunk diameter at 4.5 feet grade) oak and a 30" DBH pine tree from their backyard. Under the current code, they are not required to replant any new trees because they're not removing the last 2 trees on the lot. Under the draft code, they would be limited to remove only one at a time (under a permit) waiting 24 months in between, based on their Landmark tree status. Under the draft code, my friends

would still not be required to plant replacement trees since they're not removing the last 3 trees on the lot. The City Council has discussed allowing both removals without a permit (possibly 3 or 4 on larger properties) if the second and presumably third and fourth trees are mitigated.

Result: In the draft code, Landmark tree removals are spaced out over time, slowing the loss of canopy. Even with considerable replanting efforts, new nursery-sized replacement trees still don't begin to contribute substantial benefits for 10-20 years. As discussed in a prior [This Week in Kirkland article](#), efforts to balance tree removal (even if replaced) with tree retention might be the best method of maximizing tree benefits.

Options: The first step is to determine what protection requirements will be afforded to Landmark trees based on the code changes discussed above. Once that is established, replacement/mitigation standards for Landmark tree removal should be determined. Options include significant on-site restoration and/or payment of in-lieu fees to fund private and public tree canopy protection and enhancement efforts. Collection of in-lieu fees is limited by State law ([RCW 82.02.020](#)), so this option will require additional research by the City Attorney's office. If this option is available, Council could consider proactive measures with dedicated funding to increase canopy cover on private and public property through programs and education/outreach. One limitation of a broad fee-in-lieu program is that it needs to be considered in terms of how much additional canopy loss would be allowed against how much public property is actually available for canopy restoration.

Section I summary question: Based on this section and the effects shown in Attachment 1, is the general direction of draft property owner tree removal codes balanced and acceptable, or does City Council feel that it is too permissive or restrictive?

SECTION II: GENERAL DIRECTION ON DEVELOPMENT-RELATED CODES.

Below are 5 additional questions to further clarify the City Council's position on the PC's recommendations for code changes related to development tree retention/removal, including the effects and desirability of these amendments.

CODE CHANGE 5: The PC recommendations for the development code section of draft KZC 95, as shown in Attachment 1, results in greater tree removal and less tree retention compared to the current code. The PC recommendation was intended to strike a balance in the interest of clarity and predictability while focusing retention efforts on the best trees (as classified by Landmark status, condition rating, etc.). The immediate effect of tree retention was also factored with the long-term effects of tree replanting.

Code Change Question 5: Compared to the existing tree code pertaining to development, should the revised code result in more/less/same amount of:

- a. Tree removal/retention?***
- b. Tree planting?***

Example: See Attachment 1.

Result: Three draft code provisions appear to have a negative effect, one draft code provision may be neutralized without limits on Landmark tree removals, four draft code provisions specify detailed code provisions without affecting tree removal/retention outcomes, one has an unknown effect and one code provision would have a positive effect compared to the current code.

Options:

- Too permissive?
 - Retain existing code.
 - Limit Landmark tree removals after 5-Year Maintenance Agreements expire.
 - Broaden the grove definition to include trees between 6-12" DBH.
 - Include fair condition trees with Tier 2 tree retention to increase tree retention on development sites consistent with the current code.
- Too restrictive?
 - Eliminate retention requirements for some or all categories of trees.

CODE CHANGE 6: Although specifically not recommended by the Planning Commission, there continues to be discussion of allowing less restricted or unrestricted removal of trees on development sites if removed trees are somehow mitigated.

Code Change Question 6: Should tree retention on development sites be waived altogether if removed trees are mitigated by...

- a. Replacement trees planted on the same site?*
- b. Payment of fees-in-lieu of planting trees, as with existing code? (City Forestry Account)?*
- c. A formal tree "banking" system?*

Example: I'm developing a single-family home and the code is allowing me to remove three trees that are in the middle of my building pad. In addition, my buyer wants me to remove the remaining two trees that the code requires me to save since they are located outside the building envelope/in a setback. I'm willing to plant a few more trees on the property and/or pay the City to plant trees somewhere else.

Result: Significantly accelerated canopy loss in the near and mid-term, with the hope of long-term canopy offsets. See Code Change 4 for additional information regarding tree removal mitigation standards.

Options: Staff is currently examining the legal implications of establishing an off-site mitigation program with the implementation of the Urban Forestry 6-Year Work Plan. It is difficult to estimate the precise timing of the program launch as substantial additional work is needed to design the program, develop a capital facilities program, and determine the actual capacity for the City to fully mitigate the additional canopy loss. For scale, consider that over 270 acres of canopy was lost in developed land use areas (single-family, commercial, multifamily, etc.) over the last 7 years under the existing code. About 600 acres

of Potential Planting Areas (PPA) have been identified in combined parks, open space and right-of-way areas. An off-site mitigation program, under a more permissive tree code has finite areas to offset the loss of canopy cover.

CODE CHANGE 7: The PC recommended identified parameters that must be pursued to retain trees using specific:

- Tree size/condition requirements
- Building envelope dimensions
- Site plan adjustments
- Flexibility with development standards

By way of comparison, the existing code focuses retention efforts on trees located in setbacks on development sites.

Code Change Question 7: Is the City Council comfortable with the increase in code complexity for greater predictability?

- a. Are you comfortable with some additional tree loss (i.e., if retention is not required for trees located in setbacks or if they're not in good/excellent condition) in the interest of predictability for developers and neighbors?*
- b. Do you support the concept that retention efforts should focus on landmark trees located in setbacks?*

Example: The draft code for Tier 1 tree retention establishes maximum building envelope dimensions, within which trees can be removed: "...in a configuration of 40-foot wide by 40-foot deep building footprint, in addition to a contiguous 20-foot wide by 20-foot deep building footprint that may shift location around Tier 1 Trees."

Result: The draft tree size and condition requirements in the prior bulleted list have a negative effect in terms of less tree retention compared to the current code, while the remaining code provisions in the bulleted list have no effect on tree removal/retention with development.

Options: Consider reducing code complexity (and consequently, some code predictability) by exchanging specific building envelope dimensions for tree retention focused in setbacks.

CODE CHANGE 8: There is no PC recommendation for additional right-of-way tree removal mitigation associated with development. The Council has inquired about the possibility of mitigation standards for removal of right-of-way trees. Distinct from the potential legal limitations noted in Code Change 6 above, the City Attorney's office has indicated that additional mitigation standards and a fee-in-lieu approach is likely defensible given that right-of-way trees are public assets.

Code Change Question 8: Would you support a mitigation standard (replant or fee-in-lieu) to remove right-of-way trees for:

- a. Private improvements (driveways, retaining walls, or utilities)?*
- b. Public improvements required of the developer (sidewalks, streets, utilities)?*
- c. If so, would this just apply to Landmark trees or all trees?*

Example: I am short platting a piece of property that will result in removal of six large trees along my property frontage. I need to take out three on them to accommodate driveways to the new homes, but I need to take out the other three to accommodate the curb/gutter/sidewalk that the City is requiring me to install along the property frontage (and there is no way to meander the improvements given the topography).

Result: Additional tree planting, beyond the standard 30' on-center requirement for street trees.

Options: Consider additional mitigation standards for removal of right-of-way trees based on the three parameters identified in Question 8.

CODE CHANGE 9: The PC recommended clarification of the definition of groves (three trees greater than 12" DBH in good-excellent condition with touching/overlapping canopy), establishing a *minimum* size for grove trees and high standards for tree condition/health.

Code Change Question 9: Do you think the PC's recommendation for draft grove provisions is a sufficient response to requests for greater grove "predictability" with grove regulations?

Example: A very large property has a nice forested area with an understory of native trees. The property will be divided into several lots with houses that can be configured to retain some of the forested area. One 24" DBH Western red cedar fits the draft grove size/condition requirements. Right next to the cedar are native understory trees in great condition but that have not yet reached 12" DBH, and the remaining group of large conifers on the site are in fair¹ condition.

Result: Under the current code, any three or all these trees could be protected as a grove. Under the draft grove condition and size requirements, a grove does not exist here. Preserved groves under the draft code, when compared to the current code, will not include as wide a range of age/size and condition trees.

Options:

- Too permissive? Broaden the minimum size requirements to include 6-12" DBH trees in groves, include "fair" condition trees, particularly if they're native tree species (similar to existing code).
- Too restrictive? Don't offer groves any special protection or raise the criteria for groves designation even higher.

Section II summary question: Based on this section and the effects shown in Attachment 1, is the general direction of the development-related code provisions balanced and acceptable, or does City Council feel that it is too permissive or restrictive?

¹ Draft "fair" condition rating: tree has a single significant defect or multiple moderate defects...that are not practical to correct or would require multiple treatments over several years... Below average life expectancy.

- I. Overall general direction.** The Comprehensive Plan sets goals for citywide canopy cover and encourages a balance between protecting the rights of property owners and slowing the loss of tree canopy cover.

Based on the original purpose of the project (noted in the Background Discussion of this memo), is the draft code headed in the right direction?

Policy Implications of KZC 95 Amendments on Tree Canopy Goals

Kirkland's tree canopy cover is regularly mapped, analyzed and tracked to gauge trends in canopy gain or loss citywide and to inform city zoning decisions. The PC made their recommendations based on the data we know from our [canopy assessments](#), field study and multiple development case studies, which collectively suggest the need to slow the [loss of canopy cover](#), [preserve larger trees](#), and save groups of trees whenever possible. To maintain and enhance our urban forest while accommodating future growth and development, adjustments to the tree code will need to strategically define the trees we want to protect.

To gauge the effectiveness of the proposed code changes, the current code has been used as a baseline for comparison. Decisions on tree retention, removal and replanting have immediate and long-term effects as noted in Attachment 1. The City will continue to periodically monitor its [canopy cover](#) for guidance on where/how to meet its 40 percent tree canopy cover goal.

NEXT STEPS:

Staff will schedule future study sessions or meetings with Council based on responses to the questions set forth above. Substantive changes to the draft code may warrant additional public comments and/or hearings.

KZC code changes involve comprehensive implementation phases. Prior to adoption of KZC 95, staff will be seeking additional direction from the City Council on effective dates and options related to vesting of projects.

Attachments

1. Tree Code City Council Direction

cc: File Number CAM18-00408
Planning Commission
Houghton Community Council

Kirkland Tree Code Update - City Council Direction

See Key Below for Effect











Revised April 22, 2021

Attachment 1

CURRENT CODE	PLANNING COMMISSION RECOMMENDATION ¹ <i>Factors Considered</i>	WHAT DOES IT DO?	EFFECT ³	CITY COUNCIL DIRECTION
Allows 2 tree removals per 12 months on any site 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 recommendations Result: 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.	○	CONCUR with PC recommendations + INCREASE size of replacements from 3' to 6' height Result: 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).	➔	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).	➔	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 2 nd 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 SP/ 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 SP/ 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.

PROPERTY OWNER TREE REMOVALS

DEVELOPMENT REQUIREMENTS

CURRENT CODE	PLANNING COMMISSION RECOMMENDATION ¹ <i>Factors Considered²</i>	WHAT DOES IT DO?	EFFECT ³	CITY COUNCIL DIRECTION
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.		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: o Must fit good-excellent condition criteria o Each tree must be minimum 12" DBH o 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 healthy/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: o Tier 1: 40' w x 40' d with contiguous/shifting 20' w x 20' d o 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.		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: o Site plan alterations (building design/configuration on lot) o Tree retention/protection methods		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		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		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: o Eliminate phased development review process o Limit tree removals that occur at various permit stages o Streamline modification section of code o Require Planning Director decision for modifications (vs. Hearing Examiner)		Result: greater tree retention, less tree removal Council has indicated general agreement with PC recommendation
Arboreal is currently eligible for tree density credits when planted as replacement trees	Arboreal 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 arboreal 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

KEY:



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



City Council direction neutralizes effect of PC recommendation

¹PC RECOMMENDATIONS – shown in the [draft code](#) and summarized in the January 9, 2019 Planning Commission [memo](#) 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](#) 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