LRM 080526C2

LEGISLATIVE REQUEST MEMORANDUM

This is a scoping document to be prepared with information already known or readily available, without much additional research; inform Council of the options including resource call on staff and budget.

Title: Holmes Point Overlay – Tree Removal Allowances

Requesting Councilmembers: Councilmember Amy Falcone; Councilmember Jon Pascal	Department: Planning and Building Author: Adam Weinstein, Planning & Building Director
Date of Request: August 5, 2026	Due Date: September 2, 2026

REQUEST SUMMARY

A clear, concise description of the issue(s) to be addressed, and why the City should be involved.

Councilmembers Pascal and Falcone requested an LRM related to the Holmes Point Overlay (HPO) zone, with two distinct parts. This LRM addresses one of those parts, specifically analysis of options to expand the ability of property owners in the HPO to remove trees outside of development scenarios. With the 2022 amendments to the tree code, the entire City has the same requirements with regard to retaining high retention value trees, preparing a tree retention plan, and minimum tree credits (outside of Protected Natural Areas); Staff incorrectly assumed and communicated that all tree requirements were now the same. However, Councilmember Falcone asked staff to check HPO tree removals standards in response to constituent concerns. Staff determined that removal of trees under non-development scenarios in the HPO is more restrictive than elsewhere in the City. Those additional restrictions are the result of the HPO regulations being carried over to City codes from King County codes when Finn Hill was annexed by Kirkland in 2011. The initial carryover of the HPO code was at the request of HPO residents.

While in the rest of Kirkland, homeowners can generally remove two to four trees a year outside of critical areas (depending on lot size), the tree code considers the HPO to basically be a “critical area” where tree removal (outside of development) can only occur if a tree is a hazard or nuisance tree, although pruning is allowed. In reality, much of the HPO does contain what are considered to be critical areas (steep slopes and wetlands/steams), where tree removal is otherwise restricted, but not everything is a critical area.

BENEFITS

Preliminary potential benefits of the proposal.

Property owners may be able to more flexibly manage the vegetation on their property. However, due to the preponderance of critical areas in the HPO, many properties may not benefit from the additional flexibility under discussion. Another benefit is that the tree removal code would be similar across the City, making code administration and navigability a bit easier for staff and the community.

IMPACTS

Preliminary potential impacts of the proposal (including legal/financial).

While other areas of the City contain hilly terrain and critical areas like wetlands and streams, the HPO also contains a preponderance of parks and natural areas. Additional tree removal outside of development scenarios could diminish the ecological viability of the area. Furthermore, because a large portion of the HPO contains critical areas such as streams, wetlands, shorelines, and steep slopes, tree removal not related to development could be constrained under other existing code provisions. Under current code, trees in these critical areas cannot be removed unless they are deemed to be a hazard or nuisance. Lastly, if additional tree removals are allowed in the HPO, staff would expect the volume of code enforcement calls pertaining to trees to increase, although possibly just temporarily.

COUNCIL VISION AND GOALS

List all that apply.

Abundant Parks, Open Spaces, and Recreational Services
Inclusive and Equitable Community
Sustainable Environment

EQUITY

Preliminary discussion on how the proposal may impact diversity, equity, and inclusion.

As noted above, non-development tree removal allowances in the HPO are more restrictive than in the rest of Kirkland. There is an argument to be made that standardizing tree removal allowances across the City, including the HPO, would be more equitable to property owners. A counterpoint could be that the unique characteristics of the HPO, which include a combination of steep slopes, high tree canopy, many streams and wetlands, steep slopes, shoreline, and some of the City's largest parks and open space areas, many of which provide benefits to the residents of the HPO, warrant a more restrictive approach to tree removal under an equity lens. Perhaps this issue would best be addressed with a compromise amendment, such as an amendment that would allow residents in the HPO to remove only a maximum of one tree per year, not two to four trees per year as is allowed in other areas of the City. This compromise approach is incorporated into options presented at the end of this LRM.

STAKEHOLDERS / OUTREACH

Preliminary potential stakeholders impacted and outreach to be considered.

Potential stakeholders include HPO residents, including homeowners; the Finn Hill Neighborhood Alliance (FHNA); and environmental groups.

RESOURCES AND BUDGET

Preliminary potential staff resources needed and whether current staff and budget authority could accommodate the request.

The code amendments that would address this request are fairly focused and could be drafted quite easily and folded into an upcoming Planning Work Program project (e.g., Miscellaneous Code Amendments). However, based on past correspondence with the Finn Hill community about tree removal and protection, it is conceivable that there could be a high degree of community interest in these amendments. If a high degree of public engagement is desired, additional staff resources would be needed, resulting in amendments to the Planning Work Program.

OPTIONS

Potential options or alternatives that could be evaluated.
If Council chooses an option, what would be the timeframe?

Council should consider the following options:

1. *No Action*. Retain existing code provisions related to non-development tree removal in the HPO.

2. *Focused code amendments with minimal public engagement*. Under this option, staff would craft targeted code amendments to Chapters 70 (Holmes Point Overlay Zone) and 95 (Tree Management and Required Landscaping) of the Kirkland Zoning Code that would increase the non-development tree removal allowances in the HPO to match those applicable to the rest of the City. A variant of this option could involve doing something like allowing the removal of two trees per five years, as recommended by the Finn Hill Neighborhood Alliance. This is fewer removals than allowed Citywide but more than is currently allowed in the HPO). Public engagement would be fairly minimal and commensurate with a typical package of Miscellaneous Code Amendments (i.e., brief website updates, Planning Commission public hearing and noticing, City Council adoption).

3. *Focused code amendments with more public engagement*. This option would entail some version of the code amendments noted in Option 2 with more substantial public engagement, including meetings with stakeholders, community groups, and other interested individuals and organizations. The outcome of this option may be less certain, particularly if there is not broad community support for making the tree removal allowances less restrictive. This option would also require some adjustments to the adopted 2026-8 Planning Work program, including de-prioritization of a 2026-7 project, or expanding the scope of an existing project, assuming initiation in the 2026-7 timeframe is desired.

REVIEWS REQUIRED

Department Director responsible for acquiring Finance and Legal review before submitting to City Manager.

Legal review required	☒Reviewed by Legal ☐Implications requiring further legal analysis	Signature: Darcey Eilers Date: 9/3/2026
Legal Notes: ☒Legislative change ☐State/federal change		

Fiscal review required	☒Reviewed by Finance ☐Implications requiring further financial analysis	Signature: Michael Olson Date: 9/3/2026
Finance Notes:		
Director review required	☐Reviewed	Signature: Date:
City Manager	☒Approved	Signature: Kurt Tripett Date: 9/28/2026
City Manager Notes:		