



MEDINA, WASHINGTON

PLANNING COMMISSION SPECIAL MEETING

Virtual/Online

Tuesday, July 27, 2021 – 4:00 PM

AGENDA

COMMISSION CHAIR | Laurel Preston

COMMISSION VICE-CHAIR | Shawn Schubring

COMMISSIONERS | Laura Bustamante, David Langworthy, Mark Nelson, Mike Raskin, Randy Reeves

PLANNING MANAGER | Stephanie Keyser

Virtual Meeting Participation

With the passage of the City's Proclamation of Local Emergency, City Hall is closed to the public. Planning Commission participation in this meeting will be by teleconference/online only. Members of the public may also participate by phone/online. Individuals wishing to speak live during the Virtual Planning Commission meeting will need to register their request with the Planning Manager at 425.233.6416 or email skeyser@medina-wa.gov and leave a message before 12PM on the day of the July 27 Planning Commission meeting. Please reference Public Comments for July 27 Planning Commission Meeting on your correspondence. The Planning Manager will call on you by name or telephone number when it is your turn to speak. You will be allotted 3 minutes for your comment and will be asked to stop when you reach the 3-minute limit.

Join Zoom Meeting

<https://zoom.us/j/94338854158?pwd=K2p4SDlXczg1L3FnbWdWS0Z5Mm1zQT09>

Meeting ID: 943 3885 4158

Passcode: 869423

One tap mobile

+12532158782,,94338854158#,,,,*869423# US (Tacoma)

1. **CALL TO ORDER / ROLL CALL**

2. **APPROVAL OF MEETING AGENDA**

3. **APPROVAL OF MINUTES**

3.1 Planning Commission Minutes of June 22, 2021

Recommendation: Adopt Minutes.

Staff Contact: Stephanie Keyser, AICP, Planning Manager

4. **ANNOUNCEMENTS**

4.1 Staff/Commissioners

5. **AUDIENCE PARTICIPATION**

Individuals wishing to speak live during the Virtual Planning Commission meeting will need to register their request with the Planning Manager, Stephanie Keyser, via email (skeyser@medina-wa.gov) or by leaving a message at 425.233.6416 before 12pm the day of the Planning Commission meeting. Please reference Public Comments for the July 27 Planning Commission meeting on your correspondence. The Planning Manager will call on you by name or telephone number when it is your turn to speak. You will be allotted 3 minutes for your comment and will be asked to stop when you reach the 3-minute limit.

6. **DISCUSSION**

[6.1](#) Tree Code Retention and Replacement Requirements

[6.2](#) Supplemental Trees and Enforcement

ADDITIONAL INFORMATION

Planning Commission meetings are held on the 4th Tuesday of the month at 6 PM, unless otherwise specified.

In compliance with the Americans with Disabilities Act, if you need a disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, please contact the City Clerk's Office at (425) 233-6410 at least 48 hours prior to the meeting.

7. **ADJOURNMENT**

UPCOMING MEETINGS

Tuesday, August 24, 2021 - Regular Meeting Cancelled
Tuesday, September 28, 2021 - Regular Meeting at 4:00 PM
Tuesday, October 26, 2021 - Regular Meeting at 4:00 PM
Tuesday, November 23, 2021 - Regular Meeting Cancelled
November 2021 - ***Meeting Date TBD***
Tuesday, December 28, 2021 - Regular Meeting Cancelled
December 2021 - ***Meeting Date TBD***



MEDINA, WASHINGTON

PLANNING COMMISSION MEETING

Virtual/Online

Tuesday, June 22, 2021 – 4:00 PM

MINUTES

COMMISSION CHAIR | Laurel Preston

COMMISSION VICE-CHAIR | Shawn Schubring

COMMISSIONERS | Laura Bustamante, David Langworthy, Mark Nelson, Mike Raskin, Randy Reeves

PLANNING MANAGER | Stephanie Keyser

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Join Zoom Meeting

<https://zoom.us/j/99416418228?pwd=UllvM1VKa2RIWGHacjRFckNnUk9Udz09>

Meeting ID: 994 1641 8228

Passcode: 849285

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1. CALL TO ORDER / ROLL CALL

Chair Laurel Preston called the meeting to order at 4:04 PM

PRESENT

Chair Laurel Preston

Vice Chair Shawn Schubring

Commissioner Laura Bustamante

Commissioner David Langworthy

Commissioner Mark Nelson arrived at 4:29 PM

Commissioner Mike Raskin left at 5:01 PM
Commissioner Randy Reeves

Staff Present: Kellerman, Keyser, Minor, Wilcox

2. APPROVAL OF MEETING AGENDA

Chair Preston called for the agenda to be amended and the approval of minutes to be moved to the end of the meeting. By consensus, the amended agenda was approved.

3. ANNOUNCEMENTS

3.1 Staff/Commissioners

Keyser made the following announcements:

At the June 14th meeting, Council adopted the Bulk and Minor Code Amendments as presented in the recommendation forwarded by Planning Commission.

In September, the Commission will be meeting back at City Hall at their regularly scheduled time of 6PM.

September 20th will be the Joint Planning Commission/City Council meeting where the tree code recommendation will be presented.

4. AUDIENCE PARTICIPATION

None.

5. DISCUSSION

5.1 Tree Code Retention and Replacement Requirements

Recommendation: Discussion

Staff Contact: Stephanie Keyser, AICP, Planning Manager

Time Estimate: 180 minutes

Keyser discussed staff report.

Commissioners discussed and asked questions.

Staff responded.

Motion made by Commissioner Reeves, Seconded by Commissioner Langworthy to adopt the recommendations in 20.52.120 and 20.52.130 but to replace the word Exceptional with Landmark. Approved (6-0).

Voting Yea: Chair Preston, Vice Chair Schubring, Commissioner Bustamante, Commissioner Langworthy, Commissioner Nelson, Commissioner Reeves

Motion made by Commissioner Langworthy, Seconded by Commissioner Nelson to remove the sentence in 20.52.120(A)(1)(d)(iii) and 20.52.120(A)(2)(d)(iii). Approved (6-0).

Voting Yea: Chair Preston, Vice Chair Schubring, Commissioner Bustamante, Commissioner Langworthy, Commissioner Nelson, Commissioner Reeves

6. APPROVAL OF MINUTES

Motion made by Vice Chair Schubring, Seconded by Commissioner Nelson. Approved (4-0).

Voting Yea: Vice Chair Schubring, Commissioner Bustamante, Commissioner Nelson, Commissioner Reeves

7. ADJOURNMENT

Meeting adjourned at 6:46 PM.

Motion made by Commissioner Bustamante, Seconded by Vice Chair Schubring to adjourn. Approved (6-0).

Voting Yea: Chair Preston, Vice Chair Schubring, Commissioner Bustamante, Commissioner Langworthy, Commissioner Nelson, Commissioner Reeves



MEDINA, WASHINGTON

AGENDA BILL

Tuesday, July 27, 2021

Subject: Tree Code Retention and Replacement Requirements

Category: Discussion

Staff Contact(s): Stephanie Keyser, AICP, Planning Manager

Summary

Planning Commission has been asked to review the tree retention and replacement requirements for new single-family construction with the understanding that Council wants to adopt the changes by the end of the year.

To provide better integration of the working draft with the existing code, the following changes have been made since the last meeting:

- Creation of a new section: **20.52.015 General provisions and applicability** – Some of the draft language that was in 20.52.110 has been moved here. The purpose of this is to provide clear direction that is applicable to all tree removal projects associated with development.
- Exceptional trees have been replaced with Landmark
- The word preservation has replaced the word retention
- The area where supplements trees are required has been reduced from the first 20-feet of a front and rear property line to 15-feet
- Amend 20.52.320 Tree preservation plan – This will move the remaining language that was in 20.52.110 so we do not create redundancy in the code.
- Create new section: **20.52.330 Fee-in-Lieu of Tree Preservation Plan** – This just moves the fee-in-lieu language to its own section which will make it easier to identify

Attachment(s) Tree Code Retention and Replacement Requirements

Budget/Fiscal Impact: N/A

Recommendation: Approve

City Manager Approval: N/A

Proposed Council Motion:

Time Estimate: 60 minutes



CITY OF MEDINA

501 EVERGREEN POINT ROAD | PO BOX 144 | MEDINA WA 98039-0144
TELEPHONE 425-233-6400 | www.medina-wa.gov

MEMORANDUM

DATE: July 27, 2021

TO: Medina Planning Commission

FROM: Stephanie Keyser, AICP, Planning Manager

RE: Tree Code Retention and Replacement Requirements

Planning Commission has been asked to review the tree retention and replacement requirements for new single-family construction with the understanding that Council wants to adopt the changes by the end of the year.

To provide better integration of the working draft with the existing code, the following changes have been made since the last meeting:

- Creation of a new section: **20.52.015 General provisions and applicability** – Some of the draft language that was in 20.52.110 has been moved here. The purpose of this is to provide clear direction that is applicable to all tree removal projects associated with development.
- *Exceptional* trees have been replaced with *Landmark*
- The word *preservation* has replaced the word *retention*
- The area where supplements trees are required has been reduced from the first 20-feet of a front and rear property line to 15-feet
- Amend 20.52.320 Tree preservation plan – This will move the remaining language that was in 20.52.110 so that we do not create redundancy in the code
- Create new section: **20.52.330 Fee-in-Lieu of Tree Preservation Plan** – This just moves the fee-in-lieu language to its own section which will make it easier to identify

The work plan task is presented below:

Review tree retention and replacement requirements for new single-family construction

Description

Medina’s sylvan nature is something that distinguishes it from the surrounding jurisdictions and contributes to its high-quality residential character. Recent projects have demonstrated a deficiency in the tree code regarding new construction. This task would only review the sections of the tree code that relate to new single-family site redevelopment.

Requests to Staff

The first step will be to examine the retention and replacement requirements for lots undergoing redevelopment.

Deliverable

The initial deliverable from PC to CC would be a high-level recommendation regarding changes to the retention and replacement requirement in the tree code for new single-family development (MMC 20.52.110) and/or the minimum performance standards for land under development (MMC 20.52.130).

PC Discussions

Items that have been identified for consideration as the commission works through this work plan topic include:

- the definition of a significant tree
- better legacy tree protection
- the specific tree species that the city requires/encourages
- the role of natural loss
- long-term survival rates and enforcement
- the numerical tree replacement requirement
- the location of trees, both removal and replacements
- making sure the code is simple and flexible

The following have been provided to move the conversation forward with respect to the items above:

The definition of a significant tree (COMPLETED – APPROVED MARCH 23rd: 4-0)

The definition of a significant tree will stay as it is currently written in the code.

Better legacy tree protection: Landmark, Legacy, and Significant (COMPLETED – APPROVED JUNE 22nd: 6-0)

Planning Commission voted to create a new tree category for trees larger than 100” – Landmark trees, and to reduce the threshold for legacy trees from 50” to 36”.

Fee-in-Lieu (COMPLETED – APPROVED APRIL 27th: 3-2)

Planning Commission voted to change the fee-in-lieu section so that fees-in-lieu will be permitted only if the city arborist determines there is insufficient area to replant on site. Additionally, the associated fee shall be tied to the most current council of tree and landscaper appraiser guide for plant appraisal. The Council of Tree and Landscaper Appraisers periodically updates their appraised values, which will take the burden off of the city having to raise the fees every few years.

Medina Tree Fund (COMPLETED – NO ACTION NEEDED)

The question of what the city does with the money received from owners opting to use the fee-in-lieu (or payment into the Medina tree fund) option was asked. The Public Works department oversees the fund and they use it to cover the costs of tree trimming, removal of hazard trees, and new plantings on city property. One thing the city should do is create a plan and prioritize where future plantings should occur.

Amending tree credit value section MMC 20.52.130(C) (increase or decrease) (COMPLETED – APPROVED JUNE 22nd: 6-0)

Planning Commission voted to reduce all of the values in the tree credit section by .25.

Long-term survival rates and enforcement (NEW – To be discussed in 6.1 of the agenda)

The code does say that owners are responsible for ensuring that the supplemental trees remain viable for 5 years, however there is no mechanism for enforcement or follow-up. There has been concern raised on the logistics and cost of site visits after a project is finalized if we were to add an enforcement section. However, Planning Commission is a recommending body and it is ultimately up to Council to decide what should and should not be included.

Numerical tree replacement requirement; Location of trees, both removal and replacement; Making sure the code is simple and flexible

Large Lot (+20,000 sq. ft.) Considerations

Large lots (anything 20,000 square feet or larger) statistically have more trees than smaller lots. This should not be surprising, nor should it be surprising that these larger, more heavily wooded lots are able to cut down more trees. In the future, and with another tree canopy assessment, it would be reasonable to do an analysis and require coverage or the density ratio based on lot size, however this is currently outside of the scope and timeframe for this amendment. One of the complaints often heard is the perceived ‘clear cutting’ that these larger lots seemingly are able to accomplish. One of the ways to address this is to require a percentage of the retained trees to be located within the setbacks in the following prioritized locations: front yard and rear yard. Staff is of the opinion that this type of requirement would not be appropriate for smaller lots that may only have two or three trees to begin with.

Update Density Ratio to .4 (COMPLETED – APPROVED MARCH 23rd: 4-0)

The increase in the density ratio requirement from .35 to .4, as was recommended by the city arborist and staff, was approved.

Draft Code

For ease of identifying what’s new, the code language that is existing but has been moved to a new section is underlined, while the completely new language is red and underlined while language that Planning Commission has previously approved is green and underlined.

20.52.015 General provisions and applicability:

- 1. Site design strategies and specific development site areas demonstrating preservation of significant trees shall be presented at the pre-application meeting with the city.
- 2. For lots under development, as defined by MMC 20.52.100, a tree preservation plan shall be required.
- 3. Any applicable grading plans, pursuant to MMC Chapter 20.43, shall be developed to preserve existing trees and avoid significant alteration to the grades around the preserved trees.
- 4. Multiple applications of the tree ~~preservation retention~~ requirements in this ~~section~~ chapter over a 10-year period shall not cause the number and size of trees required to be retained to be reduced below the number and size of trees required to be retained with the first application.
- 5. When calculating ~~tree preservation retention~~ requirements, trees excluded from ~~tree preservation retention~~ requirements shall not be included in the calculation.
- 6. For the purpose of calculating tree density requirements, critical areas and their associated buffers shall be excluded from the site area used for calculation. Critical areas shall be limited to wetlands, streams, geologically hazardous areas, conservation easements, and their associated buffers as described in MMC Chapters 20.50 and 20.67.
- 7. All of the following shall be excluded from the requirements of this ~~section~~ chapter:
 - 1. Hazard trees designated pursuant to MMC 20.52.200;
 - 2. Nuisance trees designated pursuant to MMC 20.52.210 and where, if applicable, re-development does not remedy the conditions causing the nuisance;
 - 3. Those significant trees having less than a ~~36~~24-inch diameter breast height size and located within the footprint of the principal building on the lot.

~~20.52.110 Tree retention requirements.~~

~~A. Where land is designated as under development pursuant to MMC 20.52.100 trees within the boundaries of the lot (retention of trees in the city right of way are governed by MMC 20.52.400) shall be retained in accordance with any of the following:~~

- ~~1. Preserve at least 50 percent of the existing trees that are:~~
 - ~~a. Six inches diameter breast height and larger; and or~~
 - ~~b. Of a native species eligible for credit on private property as set forth in the “City of Medina List of Suitable Tree Species”; or~~

~~2. Preserve at least 40 percent of the existing trees that are:~~

- ~~a. Six inches diameter breast height and larger with at least half of those required to be retained each having 10 inches diameter breast height or larger size; and or~~
- ~~b. Of a native species eligible for credit on private property as set forth in the “City of Medina List of Suitable Tree Species”; or~~

~~3. Preserve at least 35 percent of the existing trees that are:~~

- ~~a. Six inches diameter breast height and larger with at least half of those required to be retained meeting the following:

 - ~~i. All shall have a diameter breast height size of 10 inches or larger; and~~
 - ~~ii. Forty percent shall have a diameter breast height size of 24 inches or larger; and or~~~~
- ~~b. Of a native species eligible for credit on private property as set forth in the “City of Medina List of Suitable Tree Species”; or~~

~~4. Preserve at least 25 percent of the existing trees that are:~~

- ~~a. Six inches diameter breast height and larger with at least 75 percent of those required to be retained each having 24 inches diameter breast height or larger size; and~~
- ~~b. Of a native species eligible for credit on private property as set forth in the “City of Medina List of Suitable Tree Species.”~~

~~B. All fractions in subsection (A) of this section shall be rounded up to the next whole number.~~

~~C. The requirement for tree retention under subsection (A) of this section shall not exceed the trees necessary to meet the required tree units set forth in MMC 20.52.130.~~

20.52.120 Legacy and Landmark tree protection measures.

This section applies to trees designated as Legacy and landmark trees, which are native trees that because of their age, size and condition are recognized as having exceptional outstanding value in contributing to the character of the community. Legacy and Landmark trees within the shoreline jurisdiction are regulated in MMC 20.66.050.

A. A Legacy or Landmark tree meeting all of the following criteria shall be designated ~~as a legacy tree~~ by meeting all of the following criteria:

1. Legacy tree:

- ~~1a.~~ 1a. The tree species is denoted as a legacy tree on the “City of Medina List of Suitable Tree Species”; and
- ~~2b.~~ 2b. The diameter breast height of the tree is 5036 inches or larger but less than 100 inches; and

~~3c.~~ The city arborist determines the tree to be healthy with a likelihood of surviving more than 10 years based on assumptions that:

- ~~ai.~~ The tree is properly cared for; and
- ~~bii.~~ The risk of the tree declining or becoming a nuisance is unenhanced by any proposed development; ~~and~~

~~4d.~~ The tree is not:

- ~~ai.~~ A hazard tree pursuant to MMC 20.52.200; or
- ~~bii.~~ A nuisance tree pursuant to MMC 20.52.210; excluding those trees where, if applicable and feasible, redevelopment can remedy the conditions causing the nuisance.
- ~~e.~~ Located within the footprint of the principal building on the lot, excluding those trees where alternative design of the building is feasible in retaining the tree.

2. Landmark tree:

- a. The tree species is denoted as a legacy tree on the “City of Medina List of Suitable Tree Species”; and
- b. The diameter breast height of the tree is 100 inches or larger; and
- c. The city arborist determines the tree to be healthy with a likelihood of surviving more than 10 years based on assumptions that:
 - i. The tree is properly cared for; and
 - ii. The risk of the tree declining or becoming a nuisance is unenhanced by any proposed development.

B. Legacy and Landmark trees shall be preserved ~~and retained~~ unless replacement trees are planted in accordance with the following:

1. Legacy tree:

- ~~1a.~~ The quantity of replacement trees is calculated by multiplying the diameter breast height of the subject legacy tree by ~~50 percent~~ the required percentage standards in Table 20.52.120(B) to establish the number of replacement inches; and
- ~~2.~~ ~~Where more than one legacy tree is removed, the replacement inches for each legacy tree being removed shall be added together to produce a total number of tree replacement inches; and~~
- ~~3b.~~ The total number of replacement trees is determined by the total caliper inches of the replacement trees equaling or exceeding the required tree replacement inches established in subsections (B)(1)(~~a~~) ~~and (2)~~ of this section.

Table 20.52.120(B) Legacy Tree Replacement Requirements

<u>Square Footage of the Lot Area</u>	<u>Required number of replacement caliper inches</u>
<u>Less than 10,001</u>	<u>10% removed DBH</u>
<u>From 10,001 to 13,000</u>	<u>15% removed DBH</u>
<u>From 13,001 to 15,000</u>	<u>25% removed DBH</u>
<u>From 15,001 to 20,000</u>	<u>35% removed DBH</u>
<u>Greater than 20,000</u>	<u>50% removed DBH</u>



Do we need an example here of how to calculate the replacement inches using the table???



2. Landmark tree:

a. The quantity of replacement trees is calculated by multiplying the diameter breast height of the subject Landmark tree by 100 percent to establish the minimum number of replacement inches; and

b. When more than one Landmark tree is removed, the placement inches for each Landmark tree being removed shall be added together to produce a total number of tree replacement inches; and

c. The total number of replacement trees is determined by the total caliper inches of the replacement trees equaling or exceeding the required tree replacement inches established in subsections (B)(2)(a) and (b) of this section.

D. Other Provisions.

1. Each replacement tree shall meet the standards prescribed in MMC 20.52.1340~~(D)(4)(a) through (d) and (g)~~;

2. The tree replacement requirements set forth in subsections (B) and (C) of this section shall apply to the removal of a ~~H~~egacy and Landmark trees ~~in lieu of and~~ in addition to requirements for removing nonlegacy trees;

3. The tree replacement requirements set forth in this section for a ~~H~~egacy and Landmark tree shall not be used to satisfy requirements for removing nonlegacy trees or a pre-existing tree unit gap;

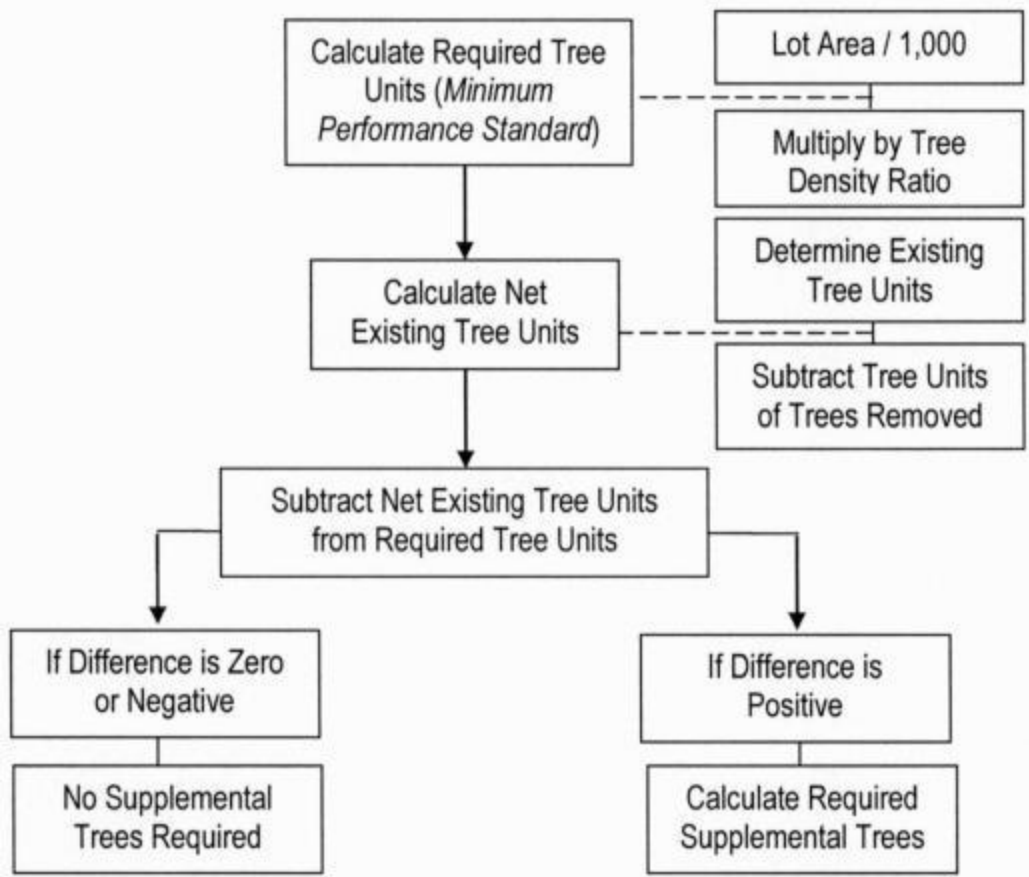
4. If the minimum performance standards in MMC 20.52.130 are used, and if supplemental tree units are required, the tree replacement requirements set forth in subsections (B) and (C) of this section shall together count as one supplemental tree unit;

5. Off-site tree planting as described in MMC 20.52.140~~(A)(2), (B), (C), and (E)~~ are acceptable alternatives to on-site replacement tree planting provided the director or designee approves of the off-site location in writing.

20.52.130 Minimum performance standards for land under development

A. The requirements and procedures set forth in this section shall apply to lands that are designated as under development pursuant to MMC 20.52.100. Figure 20.52.130 outlines the primary steps prescribed by this section in establishing requirements and determining compliance with this chapter.

Figure 20.52.130 Tree Performance Process



B. Lots with land under development shall contain a sufficient number of significant trees to meet the minimum required tree units established by the following procedures:

1. The lot area is divided by 1,000 square feet; and
2. The quotient is multiplied by the corresponding tree density ratio applicable to the lot as set forth in Table 20.52.130(B); and
3. The resulting product is rounded up to the next whole number to establish the minimum number of required tree units.

Table 20.52.130(B) Tree Density Ratio

Zoning District	Category of Land Use	Tree Density Ratio
R-16, R-20, R-30 & SR-30	Residential	0.35 <u>0.40</u>
	Golf Course	0.15
	Nonresidential other than specifically listed	0.25
Public	Schools	0.15
	Parks	0.42
	Residential	0.35 <u>0.40</u>
	Nonresidential other than specifically listed	0.25
N-A	All	0.25
State Highway	All	0.12

C. To determine compliance with the required tree units applicable to the lot, apply the following procedures:

1. Inventory all existing significant trees on the subject lot; and
2. Assign a tree unit to each significant tree using the corresponding tree unit set forth in Table 20.52.130(C); and
3. Add the tree units together to compute the total existing tree units and subtract the tree units of those significant trees removed to determine the net existing tree units (do not round fractions); and
4. Subtract the net existing tree units from the required tree units determined in this subsection (C) to establish:
 - a. If the net existing tree units equal or exceed the required tree units then no supplemental trees are required; or
 - b. If the net existing tree units are less than the required tree units then supplemental trees are required pursuant to subsection (D) of this section.

Table 20.52.130(C) Existing Tree Unit

Tree Type	Diameter Breast Height of Existing Tree	Tree Unit
Deciduous	6 to 10 inches	0.75 <u>0.5</u>
	Greater than 10 inches	1.0 <u>0.75</u>
Coniferous	6 to 10 inches	0.75 <u>0.5</u>
	Greater than 10 inches, but less than 50 <u>36</u> inches	1.0 <u>0.75</u>
	<u>36</u> inches and greater	1.25 <u>1.0</u>

D. If supplemental trees are required, the quantity of trees is determined by applying the following procedures:

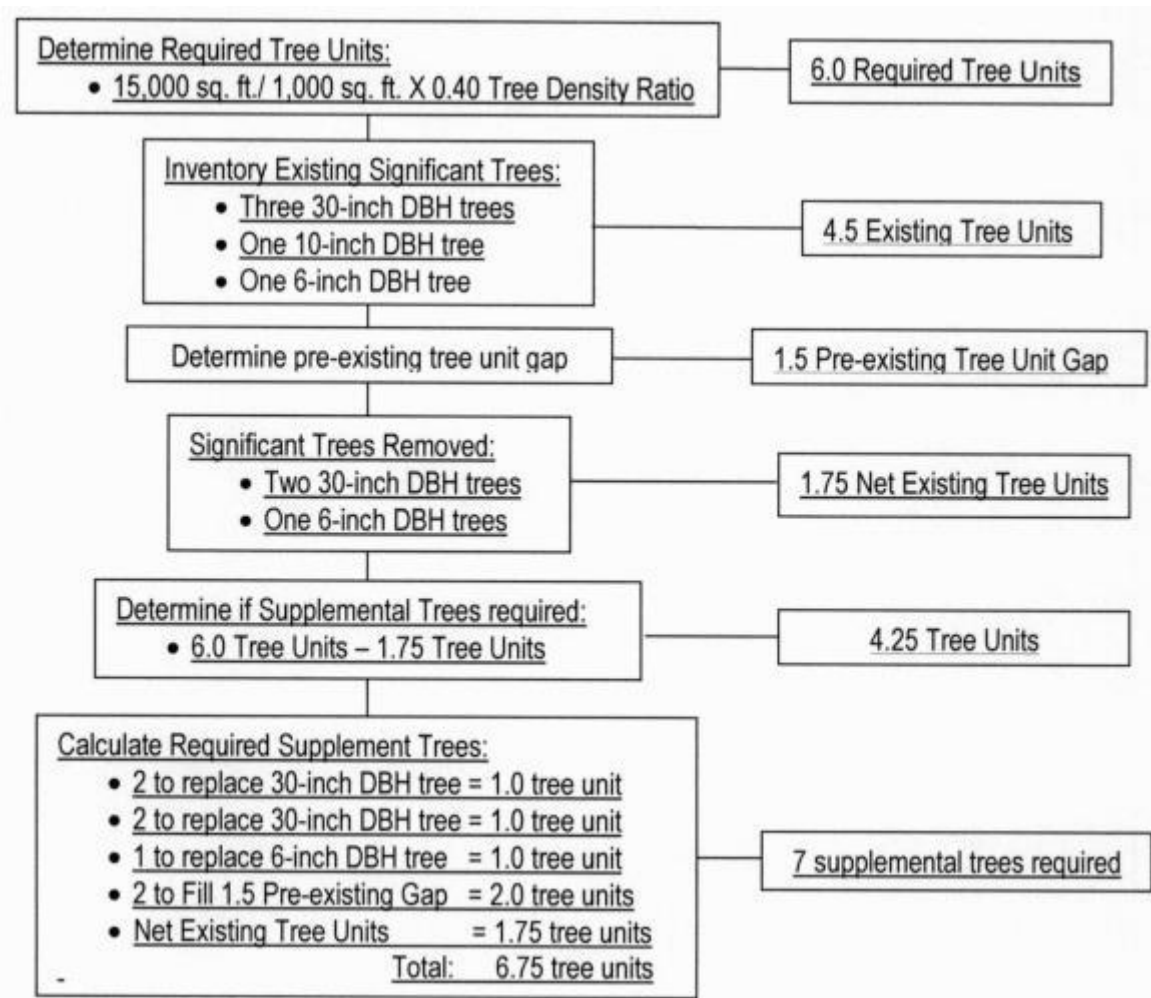
1. Determine if a pre-existing tree unit gap exists by subtracting the total existing tree units from the required tree units:
 - a. If the difference is less than zero round to zero;
 - b. A difference of zero means no pre-existing tree unit gap is present;
 - c. If the difference is greater than zero, the difference is the pre-existing tree unit gap;
2. To calculate the quantity of supplemental trees required, apply the provisions in subsection (D)(3) of this section first to those supplemental trees replacing an existing significant tree starting in order with the largest tree to the smallest tree, and then, if applicable, apply subsection (D)(3) of this section to those filling a pre-existing tree unit gap;
3. The quantity of supplemental trees is determined by:
 - a. Assigning a tree unit to each supplemental tree using Table 20.52.130(D);
 - b. Two supplemental trees shall be required for replacing each existing significant tree having a diameter breast height of 24 inches and larger subject to the limitation in subsection (D)(3)(d) of this section, and consistent with subsection (D)(2) of this section these shall be counted first;
 - c. The quantity of supplemental trees shall be of a sufficient number that their total assigned tree units added to the net existing tree units shall equal or exceed the minimum required tree units established in subsection (C) of this section; and
 - d. Supplemental trees in excess of those needed to meet the minimum required tree units shall not be required.

e. See Diagram 20.52.130 for an example of calculating supplemental trees.

Table 20.52.130(D) Supplemental Tree Unit

Purpose of Supplemental Tree	Diameter Breast Height of Removed Tree	Tree Unit for Supplemental Trees
Replace an existing significant tree	6 inches to less than 24 inches	1.0
	24 inches and larger	0.5
Fill a pre-existing tree unit gap	Not applicable	1.0

Diagram 20.52.130 Example Calculating Supplemental Trees



~~4. Minimum Development Standards Applicable to All Supplemental Trees:~~

~~a. To be eligible as a supplemental tree, the tree species must be selected from the appropriate list set forth in the “City of Medina List of Suitable Tree Species” established in MMC 20.52.050;~~

~~b. Trees shall be planted on the subject lot;~~

~~c. Each supplemental tree shall have a minimum caliper of two inches or, if the tree is coniferous, it shall have a minimum height of six feet at the time of final inspection by the city;~~

~~d. Trees shall be planted in a manner of proper spacing and lighting that allows them to grow to maturity;~~

~~e. Existing trees within the boundaries of the lot having less than six inches diameter breast height may count as supplemental trees provided the tree meets all other requirements applicable to a supplemental tree;~~

~~f. Supplemental trees replacing existing significant trees shall have at least one tree be of the same plant division (coniferous or deciduous) as the significant tree it is replacing; and~~

~~g. The owner of the subject lot shall take necessary measures to ensure that supplemental trees remain healthy and viable for at least five years after inspection by the city and the owner shall be responsible for replacing any supplemental trees that do not remain healthy and viable for the five years after inspection by the city.~~

~~E. All trees used to satisfy the supplemental tree requirements of this chapter shall be included as a significant tree for purposes of this chapter.~~

~~F. In lieu of the supplemental tree requirements prescribed by this section, an owner may satisfy the requirements for supplemental trees by meeting the requirements for off-site tree planting set forth in MMC 20.52.140.~~

20.52.140 Off-site tree planting Supplemental tree standards and priorities.

~~A. Where this chapter authorizes off-site tree plantings, an owner may use the provisions of this section to satisfy requirements for planting trees on-site.~~

~~B. Except where contribution to the Medina tree fund is used in lieu of planting required trees, application of this section shall not result in planting trees below the minimum requirements for on-site plantings.~~

~~C. An owner may plant required trees at an off-site location provided all of the following are satisfied:~~

~~1. The off-site location is within the boundaries of the city including:~~

~~a. Private property with the written consent of the owner of the off-site location;~~

- ~~b. City property with the written approval of the director;~~
- ~~c. Other public property with the written consent of the entity with jurisdiction over the off-site location;~~

~~2. Existing trees at the off-site location shall not be included as satisfying tree planting requirements;~~

~~3. Trees planted off site in lieu of on-site requirements shall not be counted as an existing tree on the property where the off-site tree is located;~~

~~4. Trees planted off site in lieu of on-site requirements shall meet development standards including:~~

- ~~a. Having a minimum caliper of two inches or, if the tree is coniferous, having a minimum height of six feet at the time of final inspection by the city;~~
- ~~b. If applicable, having at least one tree of the same plant division (coniferous or deciduous) as the significant tree it is replacing;~~
- ~~c. The owner of the off-site property shall take necessary measures to make certain that the trees planted to satisfy the requirements of this chapter remain healthy and viable for at least five years after inspection by the city, and the owner shall be responsible for replacing any subject trees that do not remain healthy and viable for the five years after inspection by the city.~~

~~D. In lieu of planting trees, an owner may contribute to the Medina tree fund provided the following are satisfied:~~

~~1. When the contribution is for replacing an existing significant tree, payment is at a rate of:~~

- ~~a. Two hundred dollars per each diameter breast height inch of the significant tree where the tree removed has less than a 20-inch diameter breast height size;~~
- ~~b. Two hundred fifty dollars per each diameter breast height inch of the significant tree where the tree removed has at least a 20-inch diameter breast height, but less than 36-inch diameter breast height size;~~
- ~~c. Four hundred dollars per each diameter breast height inch of the significant tree where the tree removed has at least a 36-inch diameter breast height or larger size;~~

~~2. When the contribution is for required tree plantings used to satisfy the pre-existing tree unit gap determined in MMC 20.52.130(D)(1), payment shall be at a rate of \$1,700 per required tree not planted.~~

~~E. An owner may select to apply a combination of planting trees on-site, off-site and/or contributing to the Medina tree fund provided:~~

~~1. The combination is consistent with the provisions of this chapter; and~~

~~2. The combination results shall be equivalent to or greater than the minimum requirements for on-site plantings.~~

~~F. Consistent with the authority granted in MMC 20.10.040, the director may establish additional administrative rules as necessary relating to the care and maintenance of off-site trees.~~

A. To be eligible as a supplemental tree, the tree species must be selected from the appropriate list set forth in the “City of Medina List of Suitable Tree Species” established in MMC 20.52.050 and shall meet the following general requirements:

1. Each supplemental tree shall have a minimum caliper of two inches, or, if the tree is coniferous, it shall have a minimum height of six feet at the time of final inspection by the city;

2. Trees shall be planted in a manner of proper spacing and lighting that allows them to grow to maturity;

3. Existing trees within the boundaries of the lot having less than six inches diameter breast height may count as supplemental trees provided the tree meets all other requirements applicable to a supplemental tree;

4. Supplemental trees replacing existing significant trees shall have at least one tree be of the same plant division (coniferous or deciduous) as the significant tree it is replacing; and

5. The owner of the subject lot shall take necessary measures to ensure that supplemental trees remain healthy and viable for at least five years after inspection by the city and the owner shall be responsible for replacing any supplemental trees that do not remain healthy and viable for the five years after inspection by the city.

B. All trees used to satisfy the supplemental tree requirements of this chapter shall be included as a significant tree for the purpose of this chapter.

~~C. Where supplemental trees are required pursuant to MMC 20.52.130(D), the trees shall be planted in the following order of priority:~~

~~1. On-site and adjacent right-of-way. The preferred locations for on-site supplemental trees are in the following order of priority from most important to least important:~~

~~a. Adjacent to critical areas and their associated buffers as defined in MMC Chapters 20.50 and 20.67;~~

~~b. At a minimum 20% of the trees shall be within the site perimeter as follows:~~

~~i. 10% within the first 15 feet of the front property line.~~

~~ii. 10% within the first 15 feet of the rear property line.~~

c. Adjacent to a low impact development (LID) stormwater facility;

d. Within the immediately adjacent right-of-way.

2. Off-site. An owner may elect to plant the required trees off-site upon written request, and approval from the City. Except where contribution to the Medina tree fund is used in lieu of planting required trees, application of this section shall not result in planting trees below the minimum requirements for on-site plantings. Off-site locations include:

a. City-owned properties;

b. Street rights-of-way not immediately adjacent to the property;

c. Private property with the written consent of the owner of the off-site location;

d. Other public property with the written consent of the entity with ~~in the~~ jurisdiction over the off-site location;

e. Any other property determined appropriate by the director.

3. Fee-in-Lieu. If the director or designee determines there is insufficient area to replant on-site or within the adjacent public right-of-way, the director or designee may authorize payment of a fee-in-lieu in accordance with MMC. 20.52.330.

D. An owner may ~~elect~~ ~~select to apply~~ a combination of planting trees on site, off site and/or fee-in-lieu upon written request, and approval by the City, provided:

1. The combination is consistent with the provisions of this chapter; and

2. The combination results shall be equivalent to or greater than the minimum requirements for on-site plantings.

E. Consistent with the authority granted in MMC 20.10.040, the director may establish additional administrative rules as necessary relating to the care and maintenance of off-site trees.

F. Existing trees at the off-site location shall not be included as satisfying tree planting requirements.

G. Trees planted off-site in lieu of on-site requirements shall not be counted as ~~an~~ existing trees on the property where the off-site tree is located.

20.52.320 Tree ~~removal and planting~~ preservation plan.

A. Unless a fee-in-lieu is approved pursuant to MMC 20.52.330, P permits for lands under development and permits for removing city trees in city rights-of-way shall include a tree ~~removal and planting~~ preservation plan containing the following information:

1. A survey plan prepared by a Washington State licensed surveyor that includes the following:

~~a. The location, genus, species, common name, and size of all significant trees located within the boundaries of the property and within any adjoining city rights-of-way;~~

~~ab. Topography of the site at two-foot contour intervals.;~~

~~be. Critical areas as defined in Chapters 20.50 and 20.67 MMC.;~~ ~~and~~

~~d. If existing trees that are less than six inches diameter breast height are to be counted as supplemental trees, the location, genus, common name, and size of such tree.~~

2. A site plan drawing showing the following:

a. Proposed improvements, alterations or adjustments to the subject property including, but not limited to, buildings, driveways, walkways, patios, decks, utilities, and proposed contours.;

b. Existing structures, whether proposed to remain or proposed for removal.;

~~and~~

c. The shoreline jurisdiction as defined in RCW 90.58.030, if applicable to the property.

3. A ~~conceptual or definitive tree-planting~~ plan that includes:

~~a. The location, genus, species, common name, and size of all significant trees located within the boundaries of the property and within any adjoining city rights-of-way and notation of which significant trees will be retained and which are proposed to be removed. Identification of all trees having a six inches or larger diameter breast height size to be retained and those to be removed;~~

~~b. If existing trees that are less than six inches diameter breast height are to be counted as supplemental trees, the location, genus, common name, and size of such tree.~~

~~c. Compliance with the following objectives:~~

~~i. Trees shall be incorporated as a site amenity with a strong emphasis on tree protection. To the extent possible, forested sites should retain their forested look, value, and function after development.~~

~~ii. Trees should be preserved as vegetated islands and stands rather than as individual, isolated trees scattered throughout the site.~~

~~iii. Trees to be preserved shall be healthy and wind-firm as identified by a qualified arborist.~~

~~iv. Preservation of significant trees as follows:~~

~~1. Significant trees which form a continuous canopy.~~

2. Significant trees located adjacent to critical areas and their associated buffers.
3. Significant trees located within the first 15 feet adjacent to a property line.
4. Significant trees which will be used as part of a low impact development (LID) storm water facility.
5. Significant trees over sixty (60) feet in height or greater than twenty-four (24) inches DBH.

d. For lots larger than 20,000 square feet, excluding lots within the shoreline jurisdiction as defined by MMC 20.66.050, the tree density ratio shall be achieved as follows:

- i. At least 20 percent of the required significant trees as determined by MMC 20.52.130 shall be retained equally within the site perimeter as follows:
 1. 10 % within the first 15 feet of the front property line.
 2. 10% within the first 15 feet of the rear property line.
- ii. At least 15 percent of the required significant trees as determined by MMC 20.52.130 shall be retained within the site interior.

e. Compliance with the required tree density ratio pursuant to MMC Table 20.52.130(B). Analysis of required tree units, existing tree units, and net tree units;

fe. If applicable, a list of supplemental trees to be planted consistent with the requirements of this chapter.;

gd. If right-of-way trees are proposed for removal, an analysis of the tree mitigation and a list of replacement trees to be planted.;

he. The list of required tree plantings shall include the size, genus, species and common names.;

if. ~~As applicable, a proposed general planting landscaping~~ plan that includes the required tree plantings and other vegetation being planted, as appropriate, for determining compliance with other provisions of the Medina Municipal Code (i.e., grading and drainage and shoreline master program regulations).

B. The director may authorize modifications to the tree ~~removal and planting preservation~~ plan on a case-by-case basis that reduce submittal requirements if the director concludes such information to be unnecessary.

C. The director may require additional information to be included with the tree ~~removal and replacement~~ preservation plan, such as tree protection measures, where the director concludes the information is necessary to determine compliance with this chapter.

D. The applicant may combine the survey, site plan drawing, and/or tree ~~replacement~~ preservation plan into a single document, or may combine the required information with other documents, provided the city determines the submitted information is reasonably easy to understand. All plans shall be drawn to a scale acceptable by the director.

E. Permits not involving land under development do not require a tree ~~removal and planting~~ preservation plan. However, this shall not preclude the director from requiring such information as necessary to determine compliance with this chapter.

20.52.330 Fee-in-lieu of Tree Preservation Plan.

A. The director or designee may authorize payment of a fee-in-lieu provided:

1. There is insufficient area on the lot or adjacent right-of-way to meet the number of replacement inches prescribed by MMC 20.52.130; or
2. Tree replacement provided within public right-of-way or a city park in the vicinity will be of greater benefit to the community.
3. Fees shall be provided in lieu of on-site tree replacement based upon the following:
 - a. The expected tree replacement cost including labor, materials, and maintenance for each replacement tree; and
 - b. The most current Council of Tree and Landscape Appraisers Guide for Plant Appraisal.
5. The applicant executes a written agreement with the City demonstrating compliance with the criteria in this section.



MEDINA, WASHINGTON

AGENDA BILL

Tuesday, July 27, 2021

Subject: Supplemental Trees and Enforcement

Category: Discussion

Staff Contact(s): Stephanie Keyser, AICP, Planning Manager

Summary

The topic of enforcement and ensuring that supplemental trees survive has been brought up multiple times throughout Planning Commission’s tree code discussion. While the code requires supplemental trees and there is language that requires these trees to survive for five years after planting, there is not a process that outlines how that is accomplished. The answer is not as straightforward as writing code; there has to be a reasonable process in place that the city can both fund (if applicable) and enforce. At the July 12th City Council meeting, Planning Commission received direction to begin to consider how to address enforcement with the understanding that the enforcement piece of the tree code does not need to be a finalized piece that is included in the draft tree code presentation in September.

The topics that staff would like to discuss are:

- Enforcement of viability of supplemental/replacement trees
- Increasing the caliper size of supplemental/replacement trees
- Permitting supplemental/replacement trees in the ROW

Attachment(s) Supplemental Trees and Enforcement

Budget/Fiscal Impact: N/A

Recommendation: Discussion

City Manager Approval: N/A

Proposed Council Motion:

Time Estimate: 60 minutes



CITY OF MEDINA

501 EVERGREEN POINT ROAD | PO BOX 144 | MEDINA WA 98039-0144
TELEPHONE 425-233-6400 | www.medina-wa.gov

MEMORANDUM

DATE: July 27, 2021

TO: Medina Planning Commission

FROM: Stephanie Keyser, AICP, Planning Manager

RE: Supplemental Trees and Enforcement

The topic of enforcement and ensuring that supplemental trees survive has been brought up multiple times throughout Planning Commission’s tree code discussion. While the code requires supplemental trees and there is language that requires these trees to survive for five years after planting, there is not a process that outlines how that is accomplished. The answer is not as straightforward as writing code; there has to be a reasonable process in place that the city can both fund (if applicable) and enforce. At the July 12th City Council meeting, Planning Commission received direction to begin to consider how to address enforcement with the understanding that the enforcement piece of the tree code does not need to be a finalized piece that is included in the draft tree code presentation in September.

The topics that staff would like to discuss are:

- Enforcement of viability of supplemental/replacement trees
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- Permitting supplemental/replacement trees in the ROW

Enforcement of viability of supplemental/replacement trees

What does enforcement mean for ensuring supplemental tree survival? Does it mean yearly inspections? Every other year? Should the city only follow up at the end of the five years? Properties can change hands multiple times in five years. How are new owners notified of the responsibility of keeping the supplemental trees on their property?

Increasing the caliper size of supplemental/replacement trees

Part of the issue is the minimum size requirement of replacement trees having a 2-inch caliper. Although the code identifies these as significant, one would not necessarily realize that just by looking at them. Does it make more sense to increase the minimum sized supplemental tree that is

required? It should be noted that an increase would only be applicable for tree permits associated with land under development.

Permitting supplemental/replacement trees in the ROW

The code permits supplemental trees to be planted in the ROW. This location makes it easier to ensure compliance with survival requirements however there is overlap as far as maintenance is concerned. A property owner is responsible for maintaining the ROW and ensuring there is proper clearance for sidewalks and overhang onto streets. But, if a homeowner does not maintain what's planted in their ROW, it is the responsibility of the city to trim back a hedge or cut tree branches.