



MEDINA, WASHINGTON

PLANNING COMMISSION MEETING

Virtual/Online

Tuesday, October 19, 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 Development Services Coordinator at 425.233.6414 or email rbennett@medina-wa.gov and leave a message before 12PM on the day of the October 19 Planning Commission meeting. Please reference Public Comments for October 19 Planning Commission Meeting on your correspondence. The Development Services Coordinator 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://us06web.zoom.us/j/82467778652?pwd=QVJ1RTdXc0RSUFE5am1Dc09zUzBhQT09>

Meeting ID: 824 6777 8652

Passcode: 335625

One tap mobile

+12532158782,,82467778652#,,,,*335625# US (Tacoma)

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

2. **APPROVAL OF MEETING AGENDA**

3. **APPROVAL OF MINUTES**

3.1 Planning Commission Minutes of September 28, 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 Development Services Coordinator, Rebecca Bennett, via email (rbennett@medina-wa.gov) or by leaving a message at 425.233.6414 before 12pm the day of the Planning Commission meeting. Please reference Public Comments for the October 19 Planning Commission meeting on your correspondence. The Development Services Coordinator 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. PUBLIC HEARING

[6.1](#) Tree Code Amendments 2021

Recommendation: Approval

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

Time Estimate: 80 minutes

7. DISCUSSION

[7.1](#) 2021-2023 Planning Commission Work Plan

Recommendation: N/A

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

Time Estimate: 10 minutes

[7.2](#) Tree Code Enforcement – Supplemental Trees

Recommendation: N/A

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

Time Estimate: 30 minutes

8. ADJOURNMENT

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.

UPCOMING MEETINGS

Tuesday, November 16, 2021 - Special Meeting at 4:00 PM

Tuesday, December 14, 2021 – Special Meeting at 4:00PM



MEDINA, WASHINGTON

PLANNING COMMISSION SPECIAL MEETING

Virtual/Online

Tuesday, September 28, 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

1. CALL TO ORDER / ROLL CALL

Chair Laurel Preston called the meeting to order at 4:01 PM

PRESENT

- Chair Laurel Preston
- Commissioner Laura Bustamante
- Commissioner David Langworthy
- Commissioner Mark Nelson
- Commissioner Randy Reeves

ABSENT

- Vice Chair Shawn Schubring
- Commissioner Mike Raskin

STAFF

- Bennett, Kellerman, Keyser, Minor, Wilcox

2. APPROVAL OF MEETING AGENDA

By consensus, the Planning Commission approved the agenda as presented.

3. APPROVAL OF MINUTES

Motion made by Commissioner Nelson, Seconded by Commissioner Langworthy.

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

3.1 Planning Commission Minutes of July 27, 2021

Recommendation: Approve

Staff Contact: Stephanie Keyser, AICP, Planning Manager

4. ANNOUNCEMENTS

4.1 Staff/Commissioners

Keyser made the following announcements:

Rebecca Bennett has joined Development Services as the new Coordinator.

Thank you for attending and participating in the Joint Council/Planning Commission meeting.

The Planning Commission Work Plan will be adopted at the October 11th Council Meeting.

On October 14th there will be an Open House on the tree code proposal.

On October 19th Planning Commission will hold a public hearing on the tree code proposal.

Chair Preston made the following announcements:

Thank you Commissioners and staff for attending the Joint Meeting in September.

5. AUDIENCE PARTICIPATION

Individuals wishing to speak live during the Virtual Planning Commission meeting will need to register their request with the Development Services Coordinator, Rebecca Bennett via email (rbennett@medina-wa.gov) or by leaving a message at 425.233.6414 before 12pm the day of the Planning Commission meeting. Please reference Public Comments for the September 28th Planning Commission meeting on your correspondence. The Development Services Coordinator 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.

No public was in attendance to speak during audience participation.

5.1 Email received August 28, 2021 from Doug Hutson re: tree code

6. DISCUSSION

6.1 Tree Code Retention and Replacement Requirements

Recommendation: N/A

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

Time Estimate: 30 minutes

Keyser discussed staff report.

Commissioners discussed and asked questions.

Staff responded.

Motion made by Commissioner Langworthy, Seconded by Commissioner Bustamante to replace the first 15 feet with the front yard setback in 20.52.140(C)(1)(c).

Motion Chair Preston, Seconded by Commissioner Nelson to table motion until there is further clarification on the front yard location requirement. By consensus motion is tabled.

Motion made by Commissioner Reeves, Seconded by Commissioner Langworthy to recommend the development of an urban forestry guideline using Clyde Hill as a template and modify it for Medina. (Approved 6-0).

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

Motion made by Commissioner Nelson, Seconded by Commissioner Bustamante to add the phrase "if available" to 20.52.140(C)(1)(d).

Friendly amendment by Commissioner Reeves to use the Mercer Island language (d) on page 10 of the staff report packet for 20.52.140(C)(1)(d). (Approved 5-0).

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

Motion made by Commissioner Nelson, Seconded by Commissioner Langworthy to substitute the Mercer Island language on page 10 of the staff report, including within the front yard setback as point 20.52.140(C)(1)(e). (Approved 5-0).

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

Motion made by Commissioner Reeves, Seconded by Commissioner Langworthy to Amend Motion to specify language from Mercer Island is amended to be appropriate to Medina's code and include MMC 20.52.140(C)(1)(b) adjacent to Low Impact Development (LID) section. (Approved 5-0).

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

6.2 Tree Code Enforcement – Supplemental Trees

Recommendation: N/A

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

Time Estimate: 90 minutes

Keyser discussed staff report.

Commissioners discussed and asked questions.

Staff responded.

7. ADJOURNMENT

Meeting adjourned at 6:12 PM

Motion made by Commissioner Nelson, Seconded by Commissioner Langworthy.
Voting Yea: Chair Preston, Commissioner Bustamante, Commissioner Langworthy,
Commissioner Nelson, Commissioner Reeves

ADDITIONAL INFORMATION

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UPCOMING MEETINGS

Tuesday, October 19, 2021 - Special 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

AGENDA BILL

Tuesday, October 19, 2021

Subject: Tree Code Amendments 2021

Category: Public Hearing

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

Summary In September 2020, the City Council placed a review of the tree code on Planning Commission's work plan with the understanding of producing a code amendment before the end of 2021. The attached draft ordinance incorporates the amendments from the September 28th meeting.

Since the last meeting, it was suggested that the code's purpose and intent be expanded to further demonstrate the city's commitment to tree preservation. The draft includes an amendment to this section that mirrors Mercer Island's tree code intent language. Attachment "B" is the draft language with all changes accepted.

This meeting is the last "bite at the apple" Planning Commission will have on this tree code amendment before forwarding the recommendation to Council.

Attachment(s) Tree Code Amendments 2021 Package

Budget/Fiscal Impact: N/A

Recommendation: Approval

City Manager Approval: N/A

Proposed Council Motion: Move to recommend approval of the draft tree code as presented

Time Estimate: 80 minutes

Chapter 20.52

TREE MANAGEMENT CODE

Sections:

- 20.52.010 Purpose and intent.
- 20.52.015 General provisions and applicability.
- 20.52.020 Applicability of the tree management code.
- 20.52.025 *Repealed.*
- 20.52.030 Exemptions.
- 20.52.040 Using this chapter.
- 20.52.050 Designation of significant tree species.
- 20.52.060 *Repealed.*
- 20.52.070 *Repealed.*
- 20.52.080 *Repealed.*
- 20.52.090 *Repealed.*
- 20.52.100 Designation of land under development.
- ~~20.52.110 Tree retention requirements. Repealed.~~
- 20.52.120 Legacy and Landmark tree protection measures.
- 20.52.130 Minimum performancee preservation standards for land under development.
- 20.52.140 ~~Off-site tree planting~~ Supplemental tree standards and priorities.
- 20.52.150 Minimum restoration standards for land not under development.
- 20.52.160 *Repealed.*
- 20.52.200 Hazard tree risk assessment.
- 20.52.210 Nuisance tree.
- 20.52.220 City arborist established.
- 20.52.300 Notice of tree removal involving no construction.
- 20.52.310 Tree activity permits.
- 20.52.320 Tree ~~removal and planting~~ preservation plan.
- 20.52.330 Fee-in-lieu of supplemental plantings.
- 20.52.340 Tree protection measures during construction.
- 20.52.400 City tree removals.
- 20.52.410 Minimum street tree standards.
- 20.52.420 Owner responsibility within city rights-of-way.
- 20.52.500 Liability.
- 20.52.510 Other general provisions.

20.52.010 Purpose and intent.

A. The purpose of the tree management code is to preserve the existing sylvan appearance through long-term retention preservation and planting of trees that contribute to the community's distinct features including proximity to the lakeshore, views, heavily landscaped streetscapes, and large tracts of public and private open spaces. The city recognizes that trees:

1. Contribute to the residential character of Medina;
2. Provide a public health benefit;

3. Provide wind protection, ecological benefits to wetlands and watercourses, and aid in the stabilization of geologically hazardous areas;

4. Improve surface water quality and control and benefit Lake Washington; and

5. Reduce noise and air pollution.

B. The intent of this chapter is to establish regulations and standards that:

1. Protect and preserve the existing tree canopy;
2. Provide homeowners flexible standards that encourage the preservation of trees while recognizing the importance of having access to sunlight and views;
3. Recognize through the standards in this chapter that certain factors may require the removal or pruning of certain trees due to circumstances such as disease, danger of falling, proximity to structures and improvements, interference with utility services, protection of view and sunlight, and the reasonable enjoyment of property;
4. Encourage best practices for the planting and managing of trees appropriately to minimize hazards, nuisances, and maintenance costs while allowing access to sunlight and views;
5. Prevent the indiscriminate removal or destruction of trees except as provided for in accordance with this chapter;
6. Promote building and site planning practices consistent with the purpose and intent of this chapter;
7. Ensure prompt development, restoration, replanting and effective erosion control of property after tree removal with landscape plans and other reasonable controls; and
8. Foster public education on the local urban forestry program and encourage good tree management consistent with this chapter.

20.52.015 General provisions and applicability:

Where land is designated as under development pursuant to MMC 20.52.100, the preservation of healthy trees shall be considered in accordance with the following guidance:

1. Tree preservation shall be included as a primary step in site planning and shall be achieved by meeting the minimum required tree units established in Table 20.52.130(B).
2. Site design strategies and specific development site areas demonstrating preservation of significant trees shall be presented at the pre-application meeting with the city.
3. A tree preservation plan shall be required that demonstrates the objectives outlined in MMC 20.52.320.

4. Any applicable grading plans, pursuant to MMC Chapter 20.43, shall be developed to avoid significant alteration to the grades around preserved trees.
5. Multiple applications of the tree ~~retention~~ preservation 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.
6. When calculating ~~retention requirements~~ tree preservation requirements, trees excluded from ~~retention~~ preservation requirements shall not be included in the calculation.
7. For the purpose of calculating tree density requirements, critical areas and their associated buffers shall be excluded from the lot area used for calculation (example: a 16,000 square foot lot has a stream on site that encompasses 1,500 square feet including the stream buffer. The lot area used for tree density calculation would be 14,500 square feet (16,000 – 1,500 = 14,500) provided:
 - a. 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; and
 - b. Removal of any vegetation or woody debris, including trees, from a critical area is subject to the regulations in MMC Chapters 20.50 and 20.67.
8. All of the following shall be excluded from the requirements of this ~~section~~ chapter:
 - a. Hazard trees designated pursuant to MMC 20.52.200;
 - b. Nuisance trees designated pursuant to MMC 20.52.210 and where, if applicable, re-development does not remedy the conditions causing the nuisance;
 - c. 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.

20.52.020 Applicability of the tree management code.

A. No person or their representative, directly or indirectly, shall remove or destroy trees located on private property or public property within the jurisdictional boundaries of the city except as provided for in accordance with this chapter.

B. Additional tree management requirements are set forth in the Medina shoreline master program as provided in MMC 20.66.050.

20.52.025 Using this chapter.

Repealed by Ord. 923.

20.52.030 Exemptions.

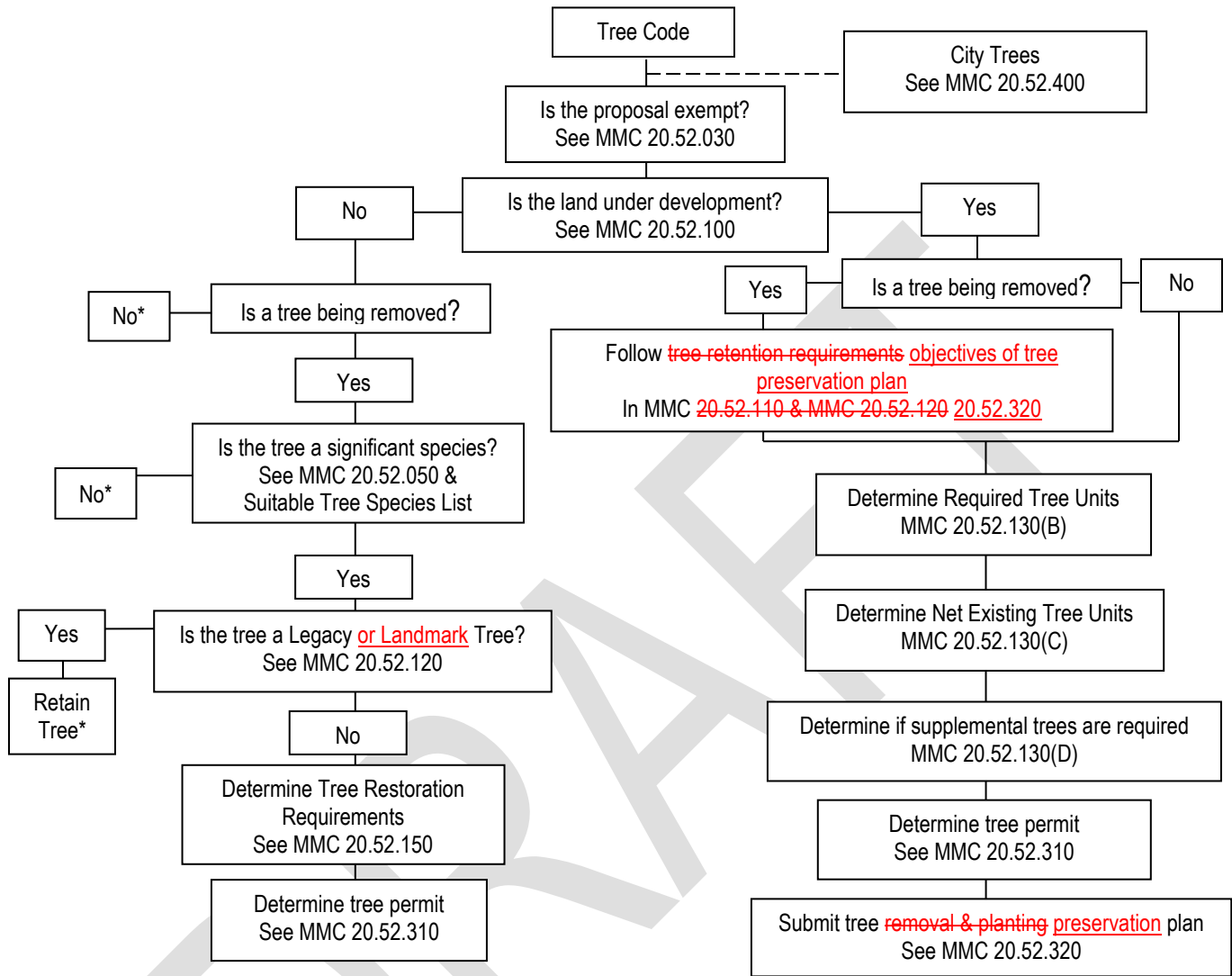
The following are exempt from the requirements in this chapter:

- A. Trees less than six inches diameter breast height unless the tree is used to satisfy a requirement of this chapter;
- B. Normal and routine trimming and pruning operations and maintenance of trees and vegetation on private property following the most current ANSI standards;
- C. Emergency tree removal or hazard pruning for any tree that poses an imminent threat to life or property provided:
1. The city is notified within seven days after the emergency tree removal or hazard pruning takes place and evidence is provided of the imminent threat supporting the emergency tree removal; and
 2. If evidence of the imminent threat is not provided, or the director determines the evidence does not warrant an emergency tree removal, the director may require the responsible person to obtain a permit as prescribed by this chapter and require compliance with the requirements of this chapter;
- D. Trimming and pruning operations and maintenance of trees and vegetation following the most current ANSI standards or removal of trees performed by the city or a contractor contracted by the city within a public right-of-way or city-owned parkland;
- E. Removal of trees and vegetation management by the city or an agency under contract with the city for purposes of installing and maintaining fire hydrants, water meters, pumping stations, or similar utilities; or
- F. The removal of a dead tree where the director pre-determines that the tree died from naturally occurring causes.

20.52.040 Using this chapter.

This chapter prescribes the requirements for tree ~~retention~~ preservation and planting on lands undergoing development, and the requirements for removal of significant trees on private and public lands. Diagram 20.52.040 offers a user's guide that outlines the general process for applying the provisions of this chapter.

Diagram 20.52.040



* Denotes no further action required.

20.52.050 Designation of significant tree species.

A. A list of suitable tree species consisting of coniferous and deciduous trees is set forth in the document entitled “City of Medina List of Suitable Tree Species,” adopted by Ordinance No. 923 and on file with the city for the purpose of establishing significant tree species on private property, public property, and city rights-of-way; and tree species that are eligible for credits in this chapter.

B. The director shall maintain the “City of Medina List of Suitable Tree Species” document at Medina City Hall and may administratively modify the list consistent with the following criteria:

1. The designation of coniferous trees should include all species excluding tree species known to have invasive root structures and to be fast growing such as Leyland cypress and should also exclude trees planted, clipped or sheared to be used as a hedge;

2. The designation of deciduous trees should include those suitable to United States Department of Agriculture Plant Hardiness Zones 8 and 9, excluding those trees with crown diameter of 10 feet or less at maturity;

3. Plantings of the following tree species within the city's rights-of-way shall be prohibited: London plane, quaking aspen, Lombardy poplar, bolleana poplar, cottonwood, and bigleaf maple.

C. The director shall submit proposals to modify the "City of Medina List of Suitable Tree Species" to the city council for their consideration. The city council may approve, modify or deny the proposed modifications. The city council may also decline to take action on the proposed modifications, in which case the modifications shall be incorporated into the list and take effect five days after the date the city council declines to take action.

D. The "City of Medina List of Suitable Tree Species" is used in conjunction with the definition of significant tree set forth in MMC 20.12.200 to denote the term significant tree as used in this chapter.

20.52.060 Notice of tree removal involving no construction.

Repealed by Ord. 923.

20.52.070 Tree removal and replacement plan.

Repealed by Ord. 923.

20.52.080 Designation of significant tree species.

Repealed by Ord. 923.

20.52.090 Tree replacement requirements.

Repealed by Ord. 923.

20.52.100 Designation of land under development.

Land is designated as under development for purposes of this chapter if one or more of the following conditions is present:

A. Any development activity requiring a building permit where:

1. Construction of a dwelling having a gross floor area of 2,500 square feet or more;
2. Construction of accessory buildings on property containing a residential use, or supporting a residential use, where the total gross floor area of all accessory buildings on the lot is 1,000 square feet or more;
3. Any building constructed to be occupied principally by a nonresidential use where the gross floor area of the building is 1,000 square feet or more;
4. Any series of exterior alterations, modifications or additions that over a four-consecutive-year period increases the total building footprint on a lot by more than 500 square feet or 15 percent, whichever is larger;

5. Construction of any structures, including but not limited to driveways, decks, patios, and walkways, that over a four-consecutive-year period increases the impervious surface on the lot by a total of 2,000 square feet or more;

6. Grading that over a four-consecutive-year period totals 2,000 cubic yards or more.

B. Any development activity requiring a building permit, a right-of-way permit, and/or a land use or shoreline permit where:

1. One or more significant trees are removed, with at least one tree having a 10-inch diameter breast height or larger size; or

2. Four or more significant trees are removed, provided each has less than a 10-inch diameter breast height size; and

3. The criteria in subsections (B)(1) and (2) of this section shall include the following trees:

a. Significant trees removed within two years prior to the submittal of an application for such permits; or

b. Significant trees removed within two years after such permits are finalized by the city and the project completed.

C. Clearing or grubbing of land that:

1. Is located outside of city rights-of-way;

2. Requires no permits, except for a tree permit; and

3. Removes four or more significant trees, with at least four trees having a 10-inch diameter breast height or larger size, over a four-consecutive-year period.

D. The counting of removed trees under subsections (B) and (C) of this section shall not include those trees designated as a hazard or nuisance tree pursuant to MMC 20.52.200 and 20.52.210, respectively.

~~20.52.110 Tree retention requirements Repealed.~~

~~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 one of the following:~~

~~1. Preserve at least 50 percent of the existing trees that are:~~

~~a. Six inches diameter breast height and larger; 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”; 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~~

~~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~~

~~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.~~

~~D. Multiple applications of the tree retention requirements in this section 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.~~

~~E. When calculating retention requirements, trees excluded from retention requirements shall not be included in the calculation.~~

~~F. All of the following shall be excluded from the requirements of this section:~~

~~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-inch diameter breast height size and located within the footprint of the principal building on the lot.~~

20.52.120 Legacy and Landmark tree protection measures.

This section applies to trees designated as HLegacy 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 the following criteria:

1. Legacy tree:

~~1a.~~ The tree species is denoted as a legacy tree on the “City of Medina List of Suitable Tree Species”; and

~~2b.~~ The diameter breast height of the tree is ~~50~~ 36 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.~~

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.

4. ~~The tree is not:~~

~~a. A hazard tree pursuant to MMC 20.52.200; or~~

~~b. 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; or~~

~~c. 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.~~

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 each~~ 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

~~b.~~ All fractions of this section shall be rounded up to the next whole number.

~~3.~~ 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) 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 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>

The following example illustrates how to calculate legacy tree replacement units on a lot that is less than 10,001 square feet:

Lot size: 8,120 sq. ft.

Required tree units: $8,120 / 1,000 \times 0.4$ (tree density ratio) = 3.2 (rounded up to the next whole number) = 4

Total existing tree units on site: 6.5 units

Eight 10-inch DBH trees – 4 units (.5 units per tree)

Two 24-inch DBH trees - 1.5 units (.75 units per tree)

One 44-inch DBH Tree – 1 unit (1 unit per tree)

Total tree units removed: 3

Four 10-inch DBH trees = 2 units removed

One 44-inch DBH tree = 1 unit removed

Net tree units: 3.5

Supplemental Units Required: Yes (4 required tree units – 3.5 net tree units) = .5

Legacy Tree Removed: Yes – One 44-inch DHB tree

Legacy Tree Supplemental Units: 10% x 44 = 4.4 (rounded up to the next whole number) = 5

Landmark Tree Removed: No

Total supplemental Requirements = 5.5 units (.5 supplemental units + 5 legacy supplemental units) = 6 trees

2. Landmark tree:

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

b. All fractions of this section shall be rounded up to the next whole number.

C. In lieu of planting the replacement trees prescribed in subsection (B) of this section, an applicant may satisfy the tree replacement requirements by: meeting the criteria set forth in MMC 20.52.330.

~~1. Planting at least three replacement trees; and~~

~~2. Contributing to the Medina tree fund at a rate of \$400.00 per each replacement inch not accounted for in the planting of replacement trees; and~~

~~3. The sum of the tree replacement inches accounted for by contributing to the Medina tree fund and the total caliper inches of the replacement trees planted shall not be less than the total replacement inches calculated in subsection (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 Legacy 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 Legacy and Landmark tree shall not be used to satisfy requirements for removing nonlegacy trees or a pre-existing tree unit gap;

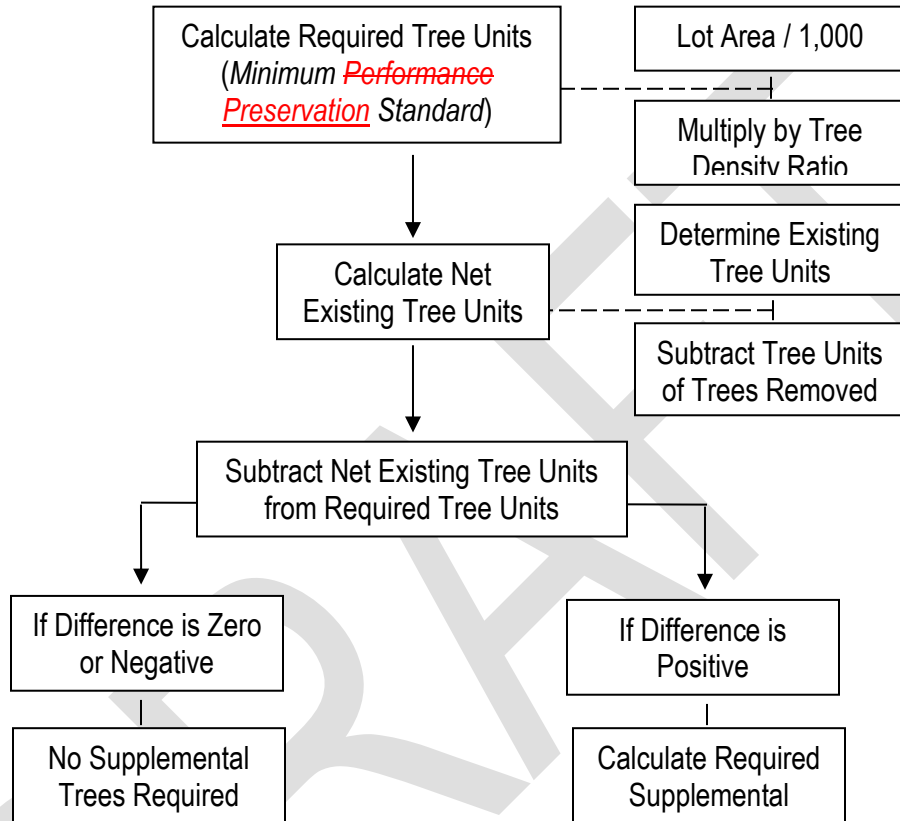
4. If the minimum performance preservation standards in MMC 20.52.130 are used, and if supplemental tree units are required, the tree replacement requirements set forth in subsections (B) and (C) of this section shall together count as one supplemental tree unit;

5. Off-site tree planting as described in MMC 20.52.140 ~~(A), (B), (C)(2), 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 preservation 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 Preservation 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	0.3540

Zoning District	Category of Land Use	Tree Density Ratio
	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
	Greater than 10 inches	1.0 <u>0.75</u>
Coniferous	6 to 10 inches	0.75

Tree Type	Diameter Breast Height of Existing Tree	Tree Unit
	Greater than 10 inches, but less than 50 <u>36</u> inches	1.0 <u>0.75</u>
	50 <u>36</u> inches and greater	1.250

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

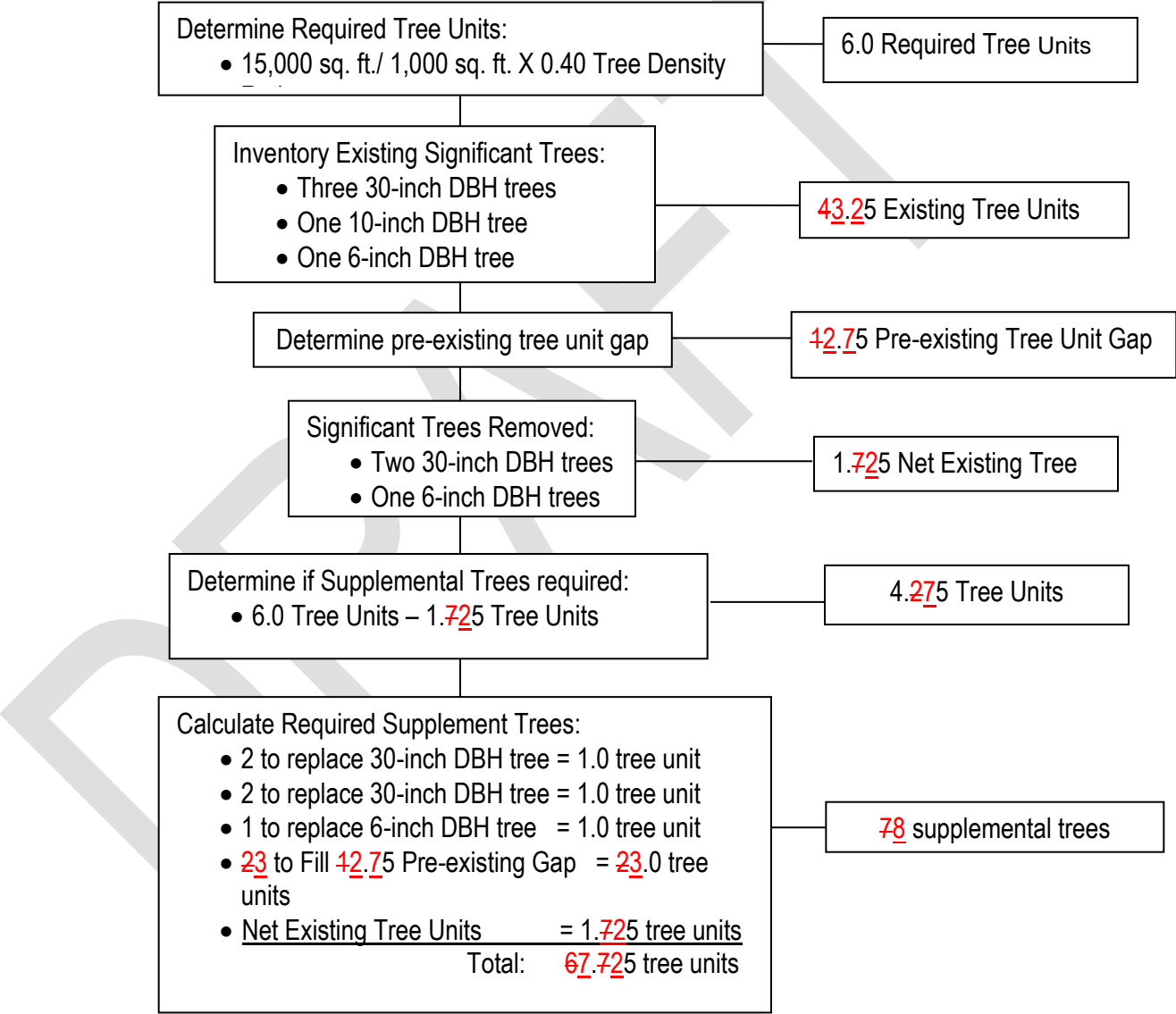
1. Determine if a pre-existing tree unit gap exists by subtracting the total existing tree units from the required tree units:
 - a. If the difference is less than zero round to zero;
 - b. A difference of zero means no pre-existing tree unit gap is present;
 - c. If the difference is greater than zero, 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 (B) 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
	6 inches to less than 24 inches	1.0

Purpose of Supplemental Tree	Diameter Breast Height of Removed Tree	Tree Unit for Supplemental Trees
Replace an existing significant tree	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;~~

~~e. 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 from most important to least important:~~

- ~~1. On-site and adjacent right-of-way:~~
 - ~~a. Adjacent to or within critical areas and their associated buffers as defined in MMC Chapters 20.50 and 20.67;~~
 - ~~b. Outside of critical areas and their associated buffers adjacent to other preserved trees making up a grove or stand of trees;~~
 - ~~c. Adjacent to a low impact development (LID) stormwater facility;~~
 - ~~d. Outside of critical areas and their associated buffers but within the front yard setback;~~
 - ~~d. Outside of critical areas and their associated buffers;~~
 - ~~e. Off-site in adjacent right-of-way where explicitly authorized by the city.~~
- ~~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 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 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 existing trees on the property where the off-site tree is located.

20.52.150 Minimum restoration standards for land not under development.

A. The requirements set forth in this section apply to tree removals on lots not meeting the criteria for land under development set forth in MMC 20.52.100.

B. Removal of significant trees on a lot, including hazard and nuisance trees, is authorized only if the restoration requirements in Table 20.52.150 are satisfied, or if the property meets the requirements prescribed in subsection (K) of this section.

Table 20.52.150 Tree Restoration Standards

	Diameter Breast Height of Removed Tree	Restoration Requirements
	6 to 10 inches	Plant one tree

	Diameter Breast Height of Removed Tree	Restoration Requirements
Each Significant Tree	Greater than 10 inches, but less than 24 inches	Plant two trees
	24 inches and larger	Plant three trees
	Legacy <u>or Landmark</u> trees	See MMC 20.52.120
	Hazard trees – 10 inches and larger	Plant one tree

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

D. Restoration trees shall be planted within the boundaries of the lot, except as authorized pursuant to subsection (J) of this section.

E. Restoration trees shall be planted in a manner of proper spacing and lighting that allows them to grow to maturity.

F. Each restoration 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.

G. Existing trees on site having less than six inches diameter breast height may be included as restoration trees provided:

1. The subject tree is located within the boundaries of the lot; and
2. The subject tree meets all of the other requirements applicable to restoration trees.

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

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

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

K. The restoration requirements in Table 20.52.150 for removing significant trees shall be waived if the following criteria are satisfied:

1. The subject lot contains a sufficient number of significant trees to meet the performance preservation standard for required trees established in MMC 20.52.130; and
2. The owner demonstrates that removal of the significant tree, including hazard and nuisance trees, will not result in a failure to meet the performance preservation standards for required trees established in MMC 20.52.130.

20.52.160 Lots 12,000 square feet or less.
Repealed by Ord. 923.

20.52.200 Hazard tree risk assessment.

A. Hazard trees are trees assessed by the city arborist as having a high to extreme risk rating using the International Society of Arborists Tree Risk Assessment Qualification (TRAQ) method in its most current form.

B. Steps in the TRAQ method in developing a tree risk rating include the following:

1. Identify possible targets and estimate occupancy rate;
2. Inspect tree and identify tree parts that could fail and strike targets (referred to as failure mode);
3. For each significant failure mode identified:
 - a. The likelihood of failure is assessed;
 - b. The likelihood of a tree part impacting a target is assessed;
 - c. The likelihood of a tree failure impacting a target is assessed;
 - d. Consequences of failure are estimated;
 - e. The risk is designated pursuant to the matrix in Table 20.52.200(C);
 - f. Possible mitigation treatments to reduce the risk are identified;
 - g. The risk is again designated pursuant to the matrix in Table 20.52.200(C) after mitigation treatment is completed.
4. When assessing the risk of a tree, the city arborist shall evaluate the tree based on existing conditions and shall exclude possible impacts caused by new development, any land alteration activity, or other similar such activities that might otherwise unnaturally cause the risk rating to increase.

C. The following table is from the International Society of Arborists TRAQ method and denotes the risk rating matrix used to assess levels of tree risk as a combination of likelihood of a tree failing and impacting a specified target, and the severity of the associated consequences should the tree or any part of the tree fail:

Table 20.52.200(C) Tree Risk Rating Matrix

Likelihood of Failure or Impact	Consequences			
	Negligible	Minor	Significant	Severe
Very Likely	Low Risk	Moderate Risk	High Risk	Extreme Risk
Likely	Low Risk	Moderate Risk	High Risk	High Risk

Likelihood of Failure or Impact	Consequences			
	Negligible	Minor	Significant	Severe
Somewhat likely	Low Risk	Low Risk	Moderate Risk	Moderate Risk
Unlikely	Low Risk	Low Risk	Low Risk	Low Risk

1. The consequences listed in Table 20.52.200(C) have meanings as follows:

a. Extreme Risk. This category applies to trees in which failure is “imminent” and there is a high likelihood of impacting a target, and the consequences of the failure are “severe.”

b. High Risk. This category applies to situations in which consequences are significant and likelihood is “very likely” or “likely,” or when consequences are “severe” and likelihood is “likely.”

c. Moderate Risk. This category applies to trees in which consequences are “minor” and likelihood is “very likely” or “likely” or when likelihood is “somewhat likely” and the consequences are “significant” or “severe.”

d. Low Risk. This category applies to trees in which consequences are “negligible” and likelihood is “unlikely”; or when consequences are “minor” and likelihood is “somewhat likely.”

2. Definitions of TRAQ method terminology that are not set forth in this chapter or Chapter 20.12 MMC can be found in the article “Qualitative Tree Risk Assessment” by E. Thomas Smiley, Nelda Matheny, and Sharon Lilly on file at Medina City Hall.

3. Potential targets are permanent structures or an area of moderate to high use. Where a target does not exist, applicants should consider routine pruning and maintenance to mitigate hazards.

D. Where a tree is found to have a high or extreme risk, the city arborist may authorize hazard pruning to mitigate the risk rather than removing the entire tree.

E. If the city arborist assesses a tree to have a high or extreme risk and mitigation of the risk through pruning or moving of potential targets is not feasible, the city arborist shall designate the tree a hazard tree.

20.52.210 Nuisance tree.

A. A nuisance tree, for purposes of this chapter, is a tree whose branches, stem and/or roots cause one or more of the following conditions to exist:

1. Substantial physical damage to public or private structures;
2. A qualified professional provides verification based on conditions on the property that substantial physical damage will occur within five years to a building containing a principal use;

3. Substantially impairs, interferes or restricts streets, sidewalks, sewers, power lines, utilities or other public improvements;
4. Substantially impairs, interferes, or obstructs any street, private lane, or driveway; or
5. The tree is diseased and restoration of the tree to a sound condition is not practical.

B. Designation of a nuisance tree is by the director following receipt of a written request and findings are made supporting a nuisance designation using the following criteria:

1. One or more of the conditions in subsection (A) of this section is present;
2. The nuisance associated with the subject tree cannot be corrected by reasonable measures including, but not limited to, pruning, cabling, bracing, or if feasible, relocating structures and other improvements; and
3. Other relevant information provided by the applicant and the city's inspection of the subject tree.

20.52.220 City arborist established.

The director shall appoint a person to the position of city arborist who shall be assigned responsibility for evaluating the hazardousness of trees and other duties consistent with the requirements of this chapter.

20.52.300 Notice of tree removal involving no construction.

A. Property owners removing a significant tree requiring a permit under MMC 20.52.310, but not undergoing new construction or land alteration activity, shall notify the city at least 10 calendar days prior to the date the tree will be removed. The director may reduce this time with receipt of a written request from the applicant and upon finding that the lesser time will provide the city reasonable notification.

B. All property owners removing a nonsignificant tree that does not require a permit are encouraged, but not required, to notify the city of the tree removal at least 48 hours prior to the tree being removed.

20.52.310 Tree activity permits.

A. This section sets forth the criteria for applying permits that implement this chapter. All uses and activities not requiring a permit must still comply with this chapter.

B. An administrative tree activity permit meeting the requirements set forth in MMC 20.70.050 is required for the following activities unless a permit is required elsewhere under this section:

1. Land designated under development as determined in MMC 20.52.100;
2. Removal at any time of a significant tree, including hazard and nuisance trees, located on private property or Washington State controlled land associated with the SR 520 highway;
3. Removal of any nonsignificant tree, including hazard and nuisance trees, located on private property or Washington State controlled land associated with the SR 520 highway that is located within 200 feet of Lake Washington pursuant to MMC 20.60.050;

4. Removal or pruning of any tree that is:

- a. Six inches or larger diameter breast height size;
- b. Located in any open or closed city right-of-way; and
- c. Designated a hazard tree pursuant to MMC 20.52.200, or involving hazard pruning authorized by the director.

C. An administrative right-of-way tree activity permit meeting the requirements set forth in MMC 20.71.050 is required for the following activities:

1. Removal of any tree, excluding hazard trees, that is:

- a. Six inches or larger diameter breast height size;
- b. Located in any open or closed city right-of-way;
- c. Application for the permit is made by the owner of property adjoining the right-of-way where the tree is located measured to the centerline of the right-of-way; and
- d. The removal does not require a nonadministrative right-of-way activity permit under subsection (D) of this section.

2. Pruning of any tree, excluding hazard pruning, that is:

- a. Six inches or larger diameter breast height size;
- b. Located in any open or closed city right-of-way;
- c. Application for the permit is made by an owner of property adjoining the right-of-way where the tree is located measured to the centerline of the right-of-way; and
- d. Excluding pruning activity that:
 - i. Follows ANSI standards in their most recent form;
 - ii. Does not endanger the life of the tree in the opinion of the director;
 - iii. Does not remove more than 25 percent of the natural canopy of the tree;
 - iv. Does not remove a limb having a diameter greater than three inches; and
 - v. Application for the pruning is made by an owner of property adjoining the right-of-way where the tree is located measured to the centerline of the right-of-way.

D. A nonadministrative right-of-way tree activity permit meeting the requirements set forth in MMC 20.72.090 is required for the following activities:

1. Removal of any tree, excluding hazard trees, which is:

- a. Six inches or larger diameter breast height size;

- b. Located in any open or closed city right-of-way; and
 - c. Application for the permit is made by an owner of property who is not adjoining the right-of-way where the tree is located measured to the centerline of the right-of-way.
2. Pruning or removal of any tree, excluding hazard trees and hazard pruning, for any purpose, which is:
- a. Six inches or larger diameter breast height size;
 - b. Located in any open or closed city right-of-way; and
 - c. Application for the permit is made by a public or private utility or their agent.
3. Removal at any time of a significant tree, excluding hazard trees, which is:
- a. Fifty inches or larger diameter breast height size;
 - b. Located in any open or closed city right-of-way; and
 - c. Application for the permit is made by an owner of property adjoining the right-of-way where the tree is located measured to the centerline of the right-of-way.
- E. A nonadministrative tree activity permit meeting the requirements set forth in MMC 20.72.100 is required for the following:
- 1. Removal at any time of a significant tree, excluding hazard trees, which is:
 - a. Fifty inches or larger diameter breast height size;
 - b. Located on private property; and
 - c. Located outside of the footprint of a building containing the principal use of the property.
 - 2. The director may modify the procedures for deciding a nonadministrative tree activity permit and approve the application using a Type 2 decision process provided:
 - a. The subject tree is designated a nuisance tree pursuant to MMC 20.52.210; and
 - b. During the public comment period, the city does not receive any written objection to a Type 2 decision decided by the director being used; and
 - c. The approval criteria in MMC 20.72.100 are satisfied.

20.52.320 Tree removal and planting preservation plan.

A. 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;~~

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

~~eb. 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. ~~Identification of all trees having a six inches or larger diameter breast height size to be retained and those to be removed;~~ 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.

b. ~~Analysis of required tree units, existing tree units, and net tree units;~~ 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 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 diameter breast height.
- c. 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 percent within the first 15-feet of the front property line.
 - 2. 10 percent within the first 15-feet of the rear property line.
 - ii. At least 20 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).
- ef. If applicable, a list of supplemental trees to be planted consistent with the requirements of this chapter;
- dg. If right-of-way trees are proposed for removal, an analysis of the tree mitigation and a list of replacement trees to be planted;
- eh. The list of required tree plantings shall include the size, genus, species and common names; ~~and~~
- fi. ~~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 supplemental plantings.

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.

20.52.3-0 Tree protection measures during construction.

A. Tree protection measures shall be implemented and maintained before and during all construction activities to ensure the preservation of significant trees that are planned to be retained. Tree protection measures shall be shown on grading and drainage plans, tree protection plans, and construction mitigation plans.

B. Tree protection measures shall include, but are not limited to, the following:

- 1. Establish tree protection zones and install protective fencing at the drip line or other barriers that are at least four feet in height, except where tree protection zones are remote from areas of land disturbance, and where approved by the director, alternative forms of tree protection may be used in lieu of tree protective fencing; provided, that the critical root zones of protected trees or stands of trees are clearly delineated and protected;
- 2. Limit grading levels around subject trees to not raise or lower grades within the larger of the following areas:
 - a. The drip line area of the tree; or
 - b. An area around the tree equal to one foot in diameter for each inch of tree diameter measured at DBH;
- 3. Installation of a tree well, but only where necessary and only with pre-approval of the city;

4. Designation of areas on site for parking, material and equipment storage, construction ingress and egress, and similar designated areas that do not negatively impact significant trees;

5. Locate trenches for utilities that minimize negative effects on the tree root structure with provisions for filling the trenches with a suitable growing medium in the vicinity of the trees;

6. Employ measures to protect critical root systems from smothering and compaction;

7. Implement a tree care program during construction to include watering, fertilizing, pruning and pest control; and

8. Measures for the disposal of potentially harmful items such as excess concrete, polluted water runoff, and other toxic materials.

C. The director may approve deviations to the tree protection measures set forth in subsection (B) of this section if the director determines that the deviation will provide equal or better tree protection than the required tree protection measure.

20.52.400 City tree removals.

A. This section sets forth the requirements applicable to all trees located on city-owned property and city rights-of-way.

B. General Provisions.

1. This section is intended to be of general application for the benefit of the public at large; it is not intended for the particular benefit of any individual person or group of persons other than the general public;

2. In addition to the limits set forth in MMC 20.52.020, no city tree shall be broken, injured, mutilated, killed, destroyed, pruned or removed unless authorized by the provisions of this section; and

3. The exemptions in MMC 20.52.030 apply to this section.

C. Pruning and trimming of city trees is permitted provided ANSI standards in their most recent form are followed and the trimming and pruning comply with the requirements for tree activity permits set forth in MMC 20.52.310.

D. Removal of a city tree located within an open or closed city right-of-way may be allowed for the following:

1. Hazard trees designated pursuant to MMC 20.52.200;

2. Nuisance trees designated pursuant to MMC 20.52.210;

3. Trees not suitable under utility lines, or in the city right-of-way, as prescribed in the “City of Medina List of Suitable Tree Species”;

4. Any tree having less than a 10-inch diameter breast height size; and any trees not included on the “City of Medina Suitable Tree Species List” for the right-of-way having less than a 36-inch diameter breast height size;
5. Trees where pruning and trimming for utilities caused significant defects to the primary stem of the tree resulting in significant abnormal growth;
6. Trees where removal is necessary to allow vehicle access to a property;
7. Trees where removal is necessary to restore a view significantly obstructed by the tree provided all of the following criteria are satisfied:
 - a. The owner of the adjoining property to the subject tree and the city both accept allowance to have the tree removed;
 - b. The person claiming the view obstruction establishes the tree causes an unreasonable view obstruction using the provisions established in MMC 18.16.040 through 18.16.080; and
 - c. The approval of a nonadministrative right-of-way activity permit is obtained pursuant to MMC 20.72.090.

E. Where subsection (D) of this section allows removal of a city tree, the following shall apply:

1. Removal of city trees, including hazard and nuisance trees, is permitted only if replacement trees are planted in accordance with the requirements in Table 20.52.400(E)(1), except as allowed otherwise by this section;

Table 20.52.400(E)(1) Replacement City Trees

	Diameter Breast Height of Removed Tree	Significant/Nonsignificant Tree Species	Tree Replacement
Each Tree (Include Nuisance Trees)	Less than 6 inches	All	None
	6 to 10 inches	All	Plant one tree
	Greater than 10 inches, but less than 24 inches	Nonsignificant	Plant one tree
		Significant	Plant two trees
	24 inches and larger	Nonsignificant	Plant two trees
		Significant	Plant three trees
Each Hazard Tree	6 to 10 inches	All	None
	Greater than 10 inches	All	Plant one tree

2. Replacement trees shall meet the following standards:

- a. To be eligible as a replacement tree, the tree species must be selected from the appropriate list in the “City of Medina List of Suitable Tree Species” established in MMC 20.52.050;
- b. Replacement trees shall be planted within the city right-of-way adjoining the subject lot;
- c. Each replacement 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. Replacement trees shall be planted in a manner of proper spacing and lighting that allows them to grow to maturity;
- e. At least one replacement city tree shall be of the same plant division (coniferous or deciduous) as the city tree removed;
- f. Approval to remove a city tree shall include conditions to make certain that replacement trees remain healthy and viable for at least five years after inspection by the city, including measures to replace those replacement trees that do not remain healthy and viable;

3. In addition to the requirement for replacement trees in subsections (E)(1) and (2) of this section, the public benefits lost due to the removal of the city tree shall be mitigated by paying a contribution to the Medina tree fund in accordance with the following:

- a. The contribution shall be determined by multiplying the diameter breast height inches of the tree removed (significant and nonsignificant tree species) by a rate of \$25.00;
- b. Where more than one city tree is removed, the contribution for each removed tree shall be added together to produce the total payment to the Medina tree fund;
- c. The contribution rate for a city tree designated a hazard pursuant to MMC 20.52.200 is zero;
- d. If removal of the city tree was not authorized by the city at the time of its removal, the contribution rates shall triple and be in addition to any other penalties that might apply;
- e. Unless a city tree qualifies for the emergency exemption pursuant to MMC 20.52.030(B), city trees removed before a hazard or nuisance determination is made by the city shall be presumed not to be a hazard or a nuisance.

F. The following planting requirements apply within the city right-of-way when a city tree is removed:

- 1. The maximum number of trees in the city right-of-way shall be one tree for each 17 feet of linear public street frontage, or one tree for each 300 square feet of plantable area within the city right-of-way, whichever is greater, adjoining the subject lot;

2. The director may increase the maximum number of city trees prescribed in subsection (F)(1) of this section, provided there is sufficient space in the city right-of-way adjoining the lot to accommodate the increase in city trees;

3. If the tree replacement requirements prescribed in subsection (E) of this section would result in the total number of city trees in the right-of-way to exceed the maximum prescribed in subsection (F)(1) or (2) of this section, an applicant shall contribute \$290.00 to the Medina tree fund for each replacement tree above the maximum in lieu of planting replacement trees above the maximum;

4. If the tree replacement requirements prescribed in subsection (E) of this section would result in the total number of city trees in the right-of-way to be below the maximum prescribed in subsection (F)(1) or (2) of this section, an applicant may plant additional trees in the right-of-way, subject to the limits in subsection (F)(1) or (2) of this section, and reduce contributions to the Medina tree fund by:

- a. Six hundred dollars for each coniferous tree planted;
- b. Five hundred dollars for each deciduous tree planted; and

5. New trees shall not be planted within three feet of the edge of any paved roadway.

G. The requirements of this section may be used to satisfy the requirements set forth in MMC 20.52.410.

H. Where a proposal includes application of this section and application of MMC 20.52.130 and/or 20.52.150, the requirements for supplemental trees and restoration trees shall be applied independent of the requirements in this section for replacement trees.

20.52.410 Minimum street tree standards.

A. This section shall apply to properties adjoining the following city rights-of-way:

- 1. Minor arterial and collector street rights-of-way as defined in Chapter 10.08 MMC;
- 2. NE 8th Street;
- 3. 82nd Avenue NE between NE 8th Street and NE 12th Street;
- 4. 84th Avenue NE south of NE 12th Street; and
- 5. Evergreen Point Road north of 78th Place NE.

B. The following street tree standards shall apply when the lot adjoining the right-of-way is under development pursuant to MMC 20.52.100:

- 1. There shall be at least one city tree planted for each 300 square feet of plantable area within the city right-of-way adjoining the lot with a minimum of two trees planted; and
- 2. The new city trees planted shall have a minimum two-inch caliper with coniferous trees also having a minimum height of six feet at the time of final inspection; and

- 3. The requirements of this subsection may be satisfied with existing trees in the adjoining city right-of-way measured to the centerline; and
- 4. New city trees shall not be planted within three feet of the edge of any paved roadway; and
- 5. Trees shall be planted in an informal pattern to create a natural appearance.

C. The following exceptions shall apply:

- 1. Shrubs, trees and plantings within the required sight line areas at private drives, private lane outlets and street intersections shall not interfere with required sight distances;
- 2. The director may waive the requirements of this section if the right-of-way to be planted is planned for modification in the Medina capital improvements plan.

20.52.420 Owner responsibility within city rights-of-way.

A. All owners of property adjoining a city right-of-way shall be responsible for maintaining all trees, shrubs, and other landscaping planted in the adjoining right-of-way by the property owner or previous owner of the property, or for which responsibility has been assumed by the owner through a recorded agreement with the city.

B. All owners of the property adjoining a city right-of-way shall ensure the trees, shrubs and landscaping in the right-of-way adjoining their property do not interfere with the free passage of vehicles and pedestrians or cause any risk of danger to the public or property.

C. No hazardous or destructive tree species shall be planted in the city rights-of-way. The city shall maintain a list of suitable trees that are acceptable to be planted in city rights-of-way consistent with MMC 20.52.050.

D. The requirements of this section shall apply equally to the city rights-of-way whether the city's title to the right-of-way was obtained by dedication, condemnation, deed or in any other manner.

E. For the purpose of this chapter, an owner shall be considered adjoining up to the centerline of the city right-of-way.

20.52.500 Liability.

Consistent with MMC 20.10.070, nothing contained in this chapter shall be construed or form the basis for any liability on the part of the city, or its officers, agents, consultants or employees, for any injury or damage resulting from any person's failure to comply with the provisions of this chapter or by reason of or in consequence of any act or omission in connection with the implementation of or enforcement of this chapter.

20.52.510 Other general provisions.

A. Implementation and Costs.

- 1. All costs associated with trimming and removal of trees shall be the responsibility of the applicant or property owner; and

2. Any tree trimming or removal governed by this chapter shall be performed by a state of Washington licensed tree service contractor, bonded and insured for the liabilities associated with tree removal.

B. Survey. The city may require as a condition of approving a tree removal permit that the applicant obtain a survey by a state of Washington licensed surveyor to determine if the trees described in the application are located on the subject property, or if a tree is located within a city right-of-way.

C. Supplemental Notice. The following shall supplement noticing requirements set forth in MMC 20.80.140(A) when applied to tree activity permits:

1. Notice shall be posted on or near the subject tree or trees in a manner that clearly identifies all trees being considered under the application;
2. The director may approve the use of a variety of reasonable methods to identify trees provided the methods clearly identify all trees being considered under the application; and
3. The director may require additional notices to be posted when, in the opinion of the director, it is determined necessary to provide reasonable notification to the public of a pending application.

D. Limitations on Occupancy. A certificate of occupancy shall not be issued until all required tree plantings and landscaping associated with this chapter is complete and receives final approval from the city. Temporary occupancy may be granted pursuant to MMC 20.40.100 before completion of the tree planting and landscaping work provided all of the following criteria are satisfied:

1. The property owner provides a financial guarantee to the city to ensure completion of the tree planting and landscaping;
2. The financial guarantee may take the form of a bond, line of credit, cash deposit, or another form acceptable to the city;
3. The minimum amount of the financial guarantee shall be 150 percent of the estimated cost of landscaping and required tree plantings not completed at the time of the inspection; and
4. Terms of the financial guarantee shall include, but are not limited to, conditions for approving the financial guarantee, a timeframe for the work to be completed, and terms under which the city shall release the financial guarantee.

E. View and Sunlight Obstructions Caused by Trees. Pursuant to MMC 18.16.040, unreasonable obstructions of views or sunlight by uncontrolled growth or maintenance of trees may constitute a private nuisance subject to redress as set forth in Chapter 18.16 MMC.

Chapter 20.52

TREE MANAGEMENT CODE

Sections:

- 20.52.010 Purpose and intent.
- 20.52.015 General provisions and applicability.
- 20.52.020 Applicability of the tree management code.
- 20.52.025 *Repealed.*
- 20.52.030 Exemptions.
- 20.52.040 Using this chapter.
- 20.52.050 Designation of significant tree species.
- 20.52.060 *Repealed.*
- 20.52.070 *Repealed.*
- 20.52.080 *Repealed.*
- 20.52.090 *Repealed.*
- 20.52.100 Designation of land under development.
- ~~20.52.110 Repealed.~~
- 20.52.120 Legacy and Landmark tree protection measures.
- 20.52.130 Minimum preservation standards for land under development.
- 20.52.140 Supplemental tree standards and priorities.
- 20.52.150 Minimum restoration standards for land not under development.
- 20.52.160 *Repealed.*
- 20.52.200 Hazard tree risk assessment.
- 20.52.210 Nuisance tree.
- 20.52.220 City arborist established.
- 20.52.300 Notice of tree removal involving no construction.
- 20.52.310 Tree activity permits.
- 20.52.320 Tree preservation plan.
- 20.52.330 Fee-in-lieu of supplemental plantings.
- ~~20.52.340 Tree protection measures during construction.~~
- 20.52.400 City tree removals.
- 20.52.410 Minimum street tree standards.
- 20.52.420 Owner responsibility within city rights-of-way.
- 20.52.500 Liability.
- 20.52.510 Other general provisions.

20.52.010 Purpose and intent.

A. The purpose of the tree management code is to preserve the existing sylvan appearance through long-term preservation and planting of trees that contribute to the community's distinct features including proximity to the lakeshore, views, heavily landscaped streetscapes, and large tracts of public and private open spaces. The city recognizes that trees:

1. Contribute to the residential character of Medina;
2. Provide a public health benefit;

3. Provide wind protection, ecological benefits to wetlands and watercourses, and aid in the stabilization of geologically hazardous areas;
4. Improve surface water quality and control and benefit Lake Washington; and
5. Reduce noise and air pollution.

B. The intent of this chapter is to establish regulations and standards that:

1. Protect and preserve the existing tree canopy;
2. Provide homeowners flexible standards that encourage the preservation of trees while recognizing the importance of having access to sunlight and views;
3. Recognize through the standards in this chapter that certain factors may require the removal or pruning of certain trees due to circumstances such as disease, danger of falling, proximity to structures and improvements, interference with utility services, protection of view and sunlight, and the reasonable enjoyment of property;
4. Encourage best practices for the planting and managing of trees appropriately to minimize hazards, nuisances, and maintenance costs while allowing access to sunlight and views;
5. Prevent the indiscriminate removal or destruction of trees except as provided for in accordance with this chapter;
6. Promote building and site planning practices consistent with the purpose and intent of this chapter;
7. Ensure prompt development, restoration, replanting and effective erosion control of property after tree removal with landscape plans and other reasonable controls; and
8. Foster public education on the local urban forestry program and encourage good tree management consistent with this chapter.

20.52.015 General provisions and applicability:

Where land is designated as under development pursuant to MMC 20.52.100, the preservation of healthy trees shall be considered in accordance with the following guidance:

1. Tree preservation shall be included as a primary step in site planning and shall be achieved by meeting the minimum required tree units established in Table 20.52.130(B).
2. Site design strategies and specific development site areas demonstrating preservation of significant trees shall be presented at the pre-application meeting with the city.
3. A tree preservation plan shall be required that demonstrates the objectives outlined in MMC 20.52.320.

4. Any applicable grading plans, pursuant to MMC Chapter 20.43, shall be developed to avoid significant alteration to the grades around preserved trees.
5. Multiple applications of the tree preservation requirements in this 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.
6. When calculating tree preservation requirements, trees excluded from preservation requirements shall not be included in the calculation.
7. For the purpose of calculating tree density requirements, critical areas and their associated buffers shall be excluded from the lot area used for calculation (example: a 16,000 square foot lot has a stream on site that encompasses 1,500 square feet including the stream buffer. The lot area used for tree density calculation would be 14,500 square feet (16,000 – 1,500 = 14,500) provided:
 - a. 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; and
 - b. Removal of any vegetation or woody debris, including trees, from a critical area is subject to the regulations in MMC Chapters 20.50 and 20.67.
8. All of the following shall be excluded from the requirements of this chapter:
 - a. Hazard trees designated pursuant to MMC 20.52.200;
 - b. Nuisance trees designated pursuant to MMC 20.52.210 and where, if applicable, re-development does not remedy the conditions causing the nuisance;
 - c. Those significant trees having less than a 24-inch diameter breast height size and located within the footprint of the principal building on the lot.

20.52.020 Applicability of the tree management code.

A. No person or their representative, directly or indirectly, shall remove or destroy trees located on private property or public property within the jurisdictional boundaries of the city except as provided for in accordance with this chapter.

B. Additional tree management requirements are set forth in the Medina shoreline master program as provided in MMC 20.66.050.

20.52.025 Using this chapter.

Repealed by Ord. 923.

20.52.030 Exemptions.

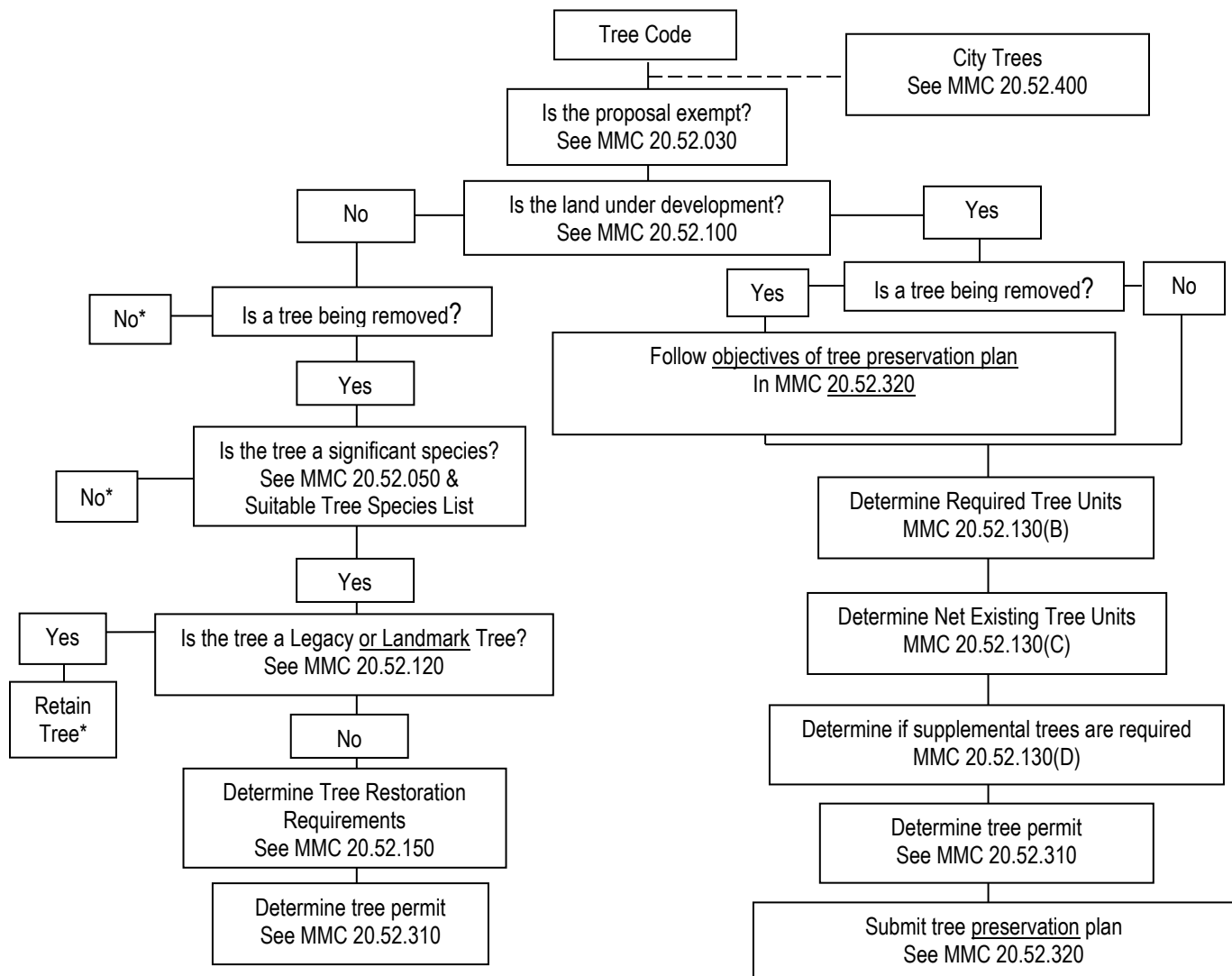
The following are exempt from the requirements in this chapter:

- A. Trees less than six inches diameter breast height unless the tree is used to satisfy a requirement of this chapter;
- B. Normal and routine trimming and pruning operations and maintenance of trees and vegetation on private property following the most current ANSI standards;
- C. Emergency tree removal or hazard pruning for any tree that poses an imminent threat to life or property provided:
1. The city is notified within seven days after the emergency tree removal or hazard pruning takes place and evidence is provided of the imminent threat supporting the emergency tree removal; and
 2. If evidence of the imminent threat is not provided, or the director determines the evidence does not warrant an emergency tree removal, the director may require the responsible person to obtain a permit as prescribed by this chapter and require compliance with the requirements of this chapter;
- D. Trimming and pruning operations and maintenance of trees and vegetation following the most current ANSI standards or removal of trees performed by the city or a contractor contracted by the city within a public right-of-way or city-owned parkland;
- E. Removal of trees and vegetation management by the city or an agency under contract with the city for purposes of installing and maintaining fire hydrants, water meters, pumping stations, or similar utilities; or
- F. The removal of a dead tree where the director pre-determines that the tree died from naturally occurring causes.

20.52.040 Using this chapter.

This chapter prescribes the requirements for tree preservation and planting on lands undergoing development, and the requirements for removal of significant trees on private and public lands. Diagram 20.52.040 offers a user's guide that outlines the general process for applying the provisions of this chapter.

Diagram 20.52.040



* Denotes no further action required.

20.52.050 Designation of significant tree species.

A. A list of suitable tree species consisting of coniferous and deciduous trees is set forth in the document entitled “City of Medina List of Suitable Tree Species,” adopted by Ordinance No. 923 and on file with the city for the purpose of establishing significant tree species on private property, public property, and city rights-of-way; and tree species that are eligible for credits in this chapter.

B. The director shall maintain the “City of Medina List of Suitable Tree Species” document at Medina City Hall and may administratively modify the list consistent with the following criteria:

1. The designation of coniferous trees should include all species excluding tree species known to have invasive root structures and to be fast growing such as Leyland cypress and should also exclude trees planted, clipped or sheared to be used as a hedge;

2. The designation of deciduous trees should include those suitable to United States Department of Agriculture Plant Hardiness Zones 8 and 9, excluding those trees with crown diameter of 10 feet or less at maturity;

3. Plantings of the following tree species within the city's rights-of-way shall be prohibited: London plane, quaking aspen, Lombardy poplar, bolleana poplar, cottonwood, and bigleaf maple.

C. The director shall submit proposals to modify the "City of Medina List of Suitable Tree Species" to the city council for their consideration. The city council may approve, modify or deny the proposed modifications. The city council may also decline to take action on the proposed modifications, in which case the modifications shall be incorporated into the list and take effect five days after the date the city council declines to take action.

D. The "City of Medina List of Suitable Tree Species" is used in conjunction with the definition of significant tree set forth in MMC 20.12.200 to denote the term significant tree as used in this chapter.

20.52.060 Notice of tree removal involving no construction.

Repealed by Ord. 923.

20.52.070 Tree removal and replacement plan.

Repealed by Ord. 923.

20.52.080 Designation of significant tree species.

Repealed by Ord. 923.

20.52.090 Tree replacement requirements.

Repealed by Ord. 923.

20.52.100 Designation of land under development.

Land is designated as under development for purposes of this chapter if one or more of the following conditions is present:

A. Any development activity requiring a building permit where:

1. Construction of a dwelling having a gross floor area of 2,500 square feet or more;
2. Construction of accessory buildings on property containing a residential use, or supporting a residential use, where the total gross floor area of all accessory buildings on the lot is 1,000 square feet or more;
3. Any building constructed to be occupied principally by a nonresidential use where the gross floor area of the building is 1,000 square feet or more;
4. Any series of exterior alterations, modifications or additions that over a four-consecutive-year period increases the total building footprint on a lot by more than 500 square feet or 15 percent, whichever is larger;

5. Construction of any structures, including but not limited to driveways, decks, patios, and walkways, that over a four-consecutive-year period increases the impervious surface on the lot by a total of 2,000 square feet or more;

6. Grading that over a four-consecutive-year period totals 2,000 cubic yards or more.

B. Any development activity requiring a building permit, a right-of-way permit, and/or a land use or shoreline permit where:

1. One or more significant trees are removed, with at least one tree having a 10-inch diameter breast height or larger size; or

2. Four or more significant trees are removed, provided each has less than a 10-inch diameter breast height size; and

3. The criteria in subsections (B)(1) and (2) of this section shall include the following trees:

a. Significant trees removed within two years prior to the submittal of an application for such permits; or

b. Significant trees removed within two years after such permits are finalized by the city and the project completed.

C. Clearing or grubbing of land that:

1. Is located outside of city rights-of-way;

2. Requires no permits, except for a tree permit; and

3. Removes four or more significant trees, with at least four trees having a 10-inch diameter breast height or larger size, over a four-consecutive-year period.

D. The counting of removed trees under subsections (B) and (C) of this section shall not include those trees designated as a hazard or nuisance tree pursuant to MMC 20.52.200 and 20.52.210, respectively.

20.52.110 Repealed.

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 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 shall be designated by meeting the following criteria:

1. Legacy 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 36 inches or larger but less than 100 inches; 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.

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:

- a. The quantity of replacement trees is calculated by multiplying the diameter breast height of each subject Legacy tree by the required percentage standards in Table 20.52.120(B) to establish the number of replacement inches; and
- b. All fractions of this section shall be rounded up to the next whole number.

Table 20.52.120(B) Legacy Tree Replacement Requirements

<u>Square Footage of the Lot Area</u>	<u>Required number of replacement 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>Square Footage of the Lot Area</u>	<u>Required number of replacement inches</u>
<u>Greater than 20,000</u>	<u>50% removed DBH</u>

The following example illustrates how to calculate legacy tree replacement units on a lot that is less than 10,001 square feet:

Lot size: 8,120 sq. ft.

Required tree units: $8,120 / 1,000 \times 0.4$ (tree density ratio) = 3.2 (rounded up to the next whole number) = 4

Total existing tree units on site: 6.5 units

Eight 10-inch DBH trees – 4 units (.5 units per tree)

Two 24-inch DBH trees - 1.5 units (.75 units per tree)

One 44-inch DBH Tree – 1 unit (1 unit per tree)

Total tree units removed: 3

Four 10-inch DBH trees = 2 units removed

One 44-inch DBH tree = 1 unit removed

Net tree units: 3.5

Supplemental Units Required: Yes (4 required tree units – 3.5 net tree units) = .5

Legacy Tree Removed: Yes – One 44-inch DHB tree

Legacy Tree Supplemental Units: $10\% \times 44 = 4.4$ (rounded up to the next whole number) = 5

Landmark Tree Removed: No

Total supplemental Requirements = 5.5 units (.5 supplemental units + 5 legacy supplemental units) = 6 trees

2. Landmark tree:

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

b. All fractions of this section shall be rounded up to the next whole number.

C. In lieu of planting the replacement trees prescribed in subsection (B) of this section, an applicant may satisfy the tree replacement requirements by meeting the criteria set forth in MMC 20.52.330.

D. Other Provisions.

1. Each replacement tree shall meet the standards prescribed in MMC 20.52.140;

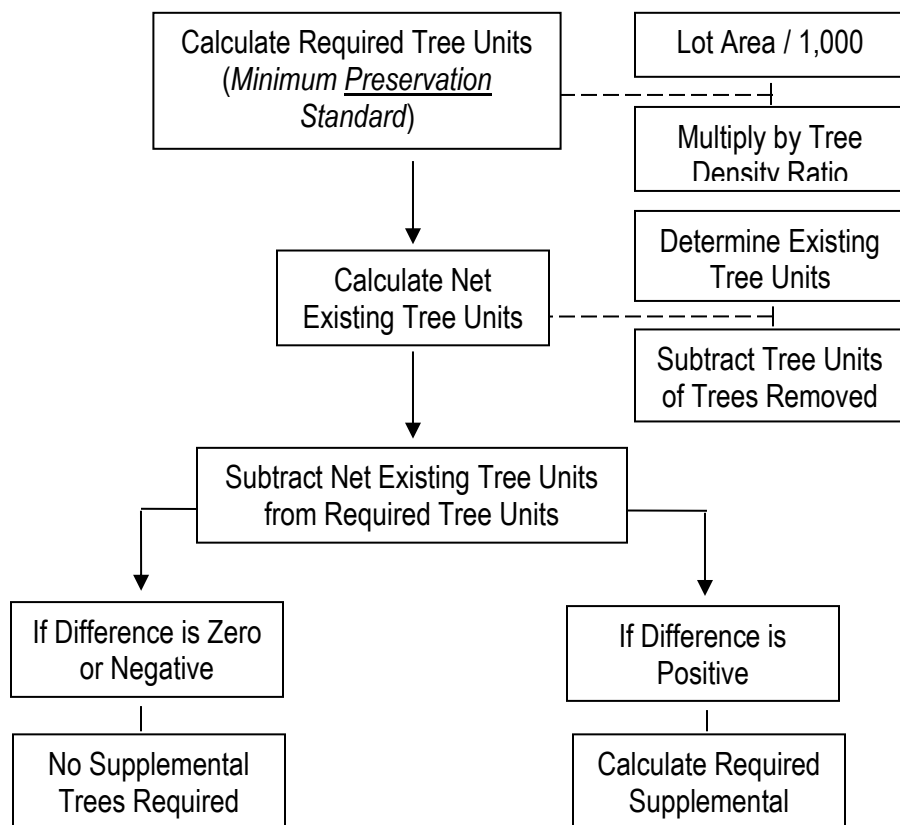
2. The tree replacement requirements set forth in subsections (B) and (C) of this section shall apply to the removal of Legacy and Landmark trees in lieu of and in addition to requirements for removing nonlegacy trees;

3. The tree replacement requirements set forth in this section for a Legacy 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 preservation 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(C)(2) 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 preservation 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 Preservation 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	0.40
	Golf Course	0.15
	Nonresidential other than specifically listed	0.25
Public	Schools	0.15
	Parks	0.42
	Residential	0.40
	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	0.5
	Greater than 10 inches	<u>0.75</u>
Coniferous	6 to 10 inches	0.5
	Greater than 10 inches, but less than <u>36</u> inches	<u>0.75</u>
	<u>36</u> inches and greater	<u>1.0</u>

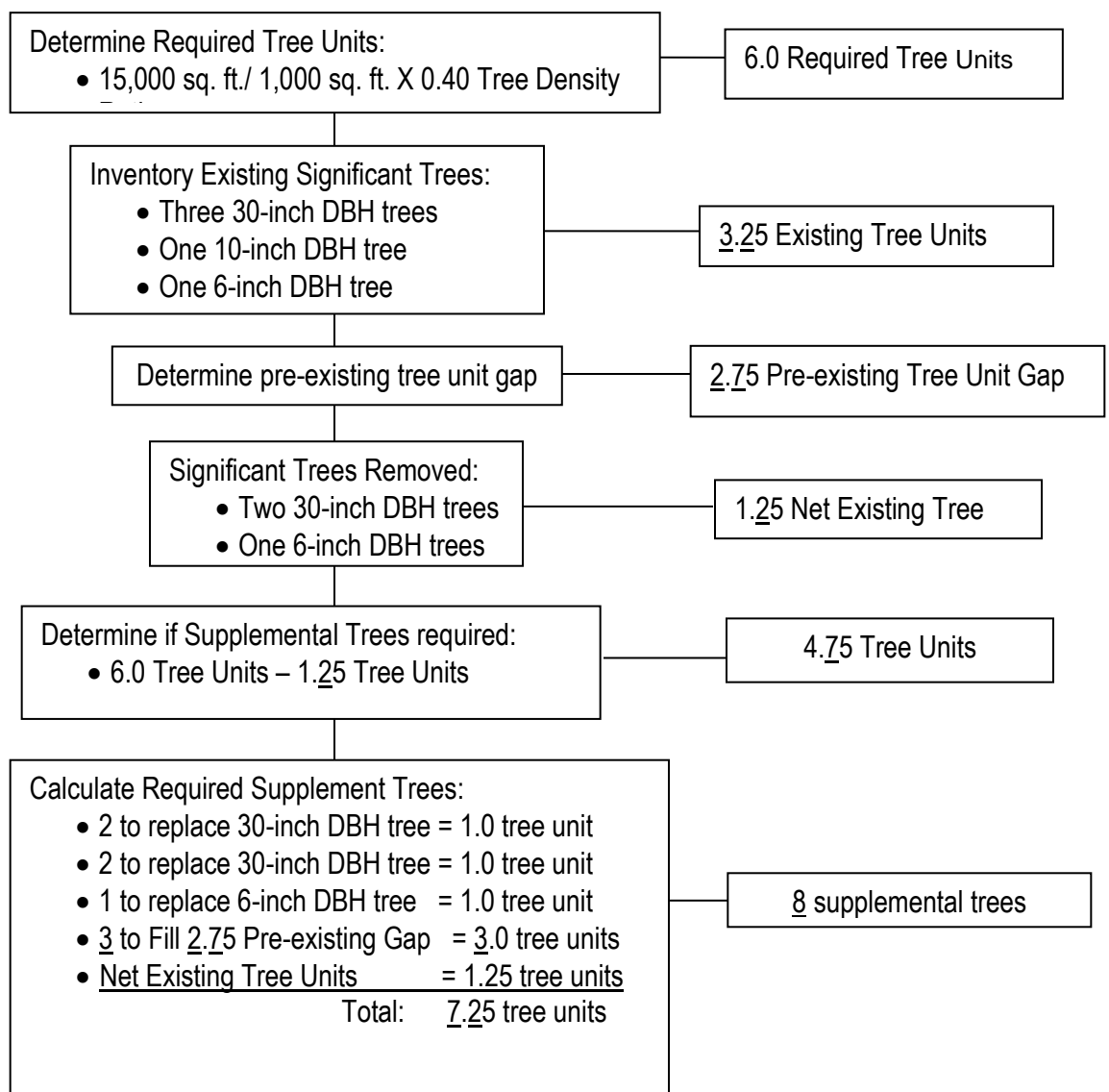
D. If supplemental trees are required, the quantity of trees is determined by applying the following procedures:

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 (B) 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



20.52.140 Supplemental tree standards and priorities.

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 from most important to least important:

1. On-site and adjacent right-of-way:
 - a. Adjacent to or within critical areas and their associated buffers as defined in MMC Chapters 20.50 and 20.67;
 - b. Outside of critical areas and their associated buffers adjacent to other preserved trees making up a grove or stand of trees;
 - c. Adjacent to a low impact development (LID) stormwater facility;
 - d. Outside of critical areas and their associated buffers but within the front yard setback;
 - d. Outside of critical areas and their associated buffers;
 - e. Off-site in adjacent right-of-way where explicitly authorized by the city.
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 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 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 existing trees on the property where the off-site tree is located.

20.52.150 Minimum restoration standards for land not under development.

A. The requirements set forth in this section apply to tree removals on lots not meeting the criteria for land under development set forth in MMC 20.52.100.

B. Removal of significant trees on a lot, including hazard and nuisance trees, is authorized only if the restoration requirements in Table 20.52.150 are satisfied, or if the property meets the requirements prescribed in subsection (K) of this section.

Table 20.52.150 Tree Restoration Standards

	Diameter Breast Height of Removed Tree	Restoration Requirements
Each Significant Tree	6 to 10 inches	Plant one tree
	Greater than 10 inches, but less than 24 inches	Plant two trees
	24 inches and larger	Plant three trees

	Diameter Breast Height of Removed Tree	Restoration Requirements
	Legacy <u>or</u> Landmark trees	See MMC 20.52.120
	Hazard trees – 10 inches and larger	Plant one tree

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

D. Restoration trees shall be planted within the boundaries of the lot, except as authorized pursuant to subsection (J) of this section.

E. Restoration trees shall be planted in a manner of proper spacing and lighting that allows them to grow to maturity.

F. Each restoration 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.

G. Existing trees on site having less than six inches diameter breast height may be included as restoration trees provided:

1. The subject tree is located within the boundaries of the lot; and
2. The subject tree meets all of the other requirements applicable to restoration trees.

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

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

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

K. The restoration requirements in Table 20.52.150 for removing significant trees shall be waived if the following criteria are satisfied:

1. The subject lot contains a sufficient number of significant trees to meet the preservation standard for required trees established in MMC 20.52.130; and
2. The owner demonstrates that removal of the significant tree, including hazard and nuisance trees, will not result in a failure to meet the preservation standards for required trees established in MMC 20.52.130.

20.52.160 Lots 12,000 square feet or less.

Repealed by Ord. 923.

20.52.200 Hazard tree risk assessment.

A. Hazard trees are trees assessed by the city arborist as having a high to extreme risk rating using the International Society of Arborists Tree Risk Assessment Qualification (TRAQ) method in its most current form.

B. Steps in the TRAQ method in developing a tree risk rating include the following:

1. Identify possible targets and estimate occupancy rate;
2. Inspect tree and identify tree parts that could fail and strike targets (referred to as failure mode);
3. For each significant failure mode identified:
 - a. The likelihood of failure is assessed;
 - b. The likelihood of a tree part impacting a target is assessed;
 - c. The likelihood of a tree failure impacting a target is assessed;
 - d. Consequences of failure are estimated;
 - e. The risk is designated pursuant to the matrix in Table 20.52.200(C);
 - f. Possible mitigation treatments to reduce the risk are identified;
 - g. The risk is again designated pursuant to the matrix in Table 20.52.200(C) after mitigation treatment is completed.
4. When assessing the risk of a tree, the city arborist shall evaluate the tree based on existing conditions and shall exclude possible impacts caused by new development, any land alteration activity, or other similar such activities that might otherwise unnaturally cause the risk rating to increase.

C. The following table is from the International Society of Arborists TRAQ method and denotes the risk rating matrix used to assess levels of tree risk as a combination of likelihood of a tree failing and impacting a specified target, and the severity of the associated consequences should the tree or any part of the tree fail:

Table 20.52.200(C) Tree Risk Rating Matrix

Likelihood of Failure or Impact	Consequences			
	Negligible	Minor	Significant	Severe
Very Likely	Low Risk	Moderate Risk	High Risk	Extreme Risk
Likely	Low Risk	Moderate Risk	High Risk	High Risk
Somewhat likely	Low Risk	Low Risk	Moderate Risk	Moderate Risk
Unlikely	Low Risk	Low Risk	Low Risk	Low Risk

1. The consequences listed in Table 20.52.200(C) have meanings as follows:
 - a. Extreme Risk. This category applies to trees in which failure is “imminent” and there is a high likelihood of impacting a target, and the consequences of the failure are “severe.”
 - b. High Risk. This category applies to situations in which consequences are significant and likelihood is “very likely” or “likely,” or when consequences are “severe” and likelihood is “likely.”
 - c. Moderate Risk. This category applies to trees in which consequences are “minor” and likelihood is “very likely” or “likely” or when likelihood is “somewhat likely” and the consequences are “significant” or “severe.”
 - d. Low Risk. This category applies to trees in which consequences are “negligible” and likelihood is “unlikely”; or when consequences are “minor” and likelihood is “somewhat likely.”
2. Definitions of TRAQ method terminology that are not set forth in this chapter or Chapter 20.12 MMC can be found in the article “Qualitative Tree Risk Assessment” by E. Thomas Smiley, Nelda Matheny, and Sharon Lilly on file at Medina City Hall.
3. Potential targets are permanent structures or an area of moderate to high use. Where a target does not exist, applicants should consider routine pruning and maintenance to mitigate hazards.
- D. Where a tree is found to have a high or extreme risk, the city arborist may authorize hazard pruning to mitigate the risk rather than removing the entire tree.
- E. If the city arborist assesses a tree to have a high or extreme risk and mitigation of the risk through pruning or moving of potential targets is not feasible, the city arborist shall designate the tree a hazard tree.

20.52.210 Nuisance tree.

- A. A nuisance tree, for purposes of this chapter, is a tree whose branches, stem and/or roots cause one or more of the following conditions to exist:
1. Substantial physical damage to public or private structures;
 2. A qualified professional provides verification based on conditions on the property that substantial physical damage will occur within five years to a building containing a principal use;
 3. Substantially impairs, interferes or restricts streets, sidewalks, sewers, power lines, utilities or other public improvements;
 4. Substantially impairs, interferes, or obstructs any street, private lane, or driveway; or
 5. The tree is diseased and restoration of the tree to a sound condition is not practical.

B. Designation of a nuisance tree is by the director following receipt of a written request and findings are made supporting a nuisance designation using the following criteria:

1. One or more of the conditions in subsection (A) of this section is present;
2. The nuisance associated with the subject tree cannot be corrected by reasonable measures including, but not limited to, pruning, cabling, bracing, or if feasible, relocating structures and other improvements; and
3. Other relevant information provided by the applicant and the city's inspection of the subject tree.

20.52.220 City arborist established.

The director shall appoint a person to the position of city arborist who shall be assigned responsibility for evaluating the hazardousness of trees and other duties consistent with the requirements of this chapter.

20.52.300 Notice of tree removal involving no construction.

A. Property owners removing a significant tree requiring a permit under MMC 20.52.310, but not undergoing new construction or land alteration activity, shall notify the city at least 10 calendar days prior to the date the tree will be removed. The director may reduce this time with receipt of a written request from the applicant and upon finding that the lesser time will provide the city reasonable notification.

B. All property owners removing a nonsignificant tree that does not require a permit are encouraged, but not required, to notify the city of the tree removal at least 48 hours prior to the tree being removed.

20.52.310 Tree activity permits.

A. This section sets forth the criteria for applying permits that implement this chapter. All uses and activities not requiring a permit must still comply with this chapter.

B. An administrative tree activity permit meeting the requirements set forth in MMC 20.70.050 is required for the following activities unless a permit is required elsewhere under this section:

1. Land designated under development as determined in MMC 20.52.100;
2. Removal at any time of a significant tree, including hazard and nuisance trees, located on private property or Washington State controlled land associated with the SR 520 highway;
3. Removal of any nonsignificant tree, including hazard and nuisance trees, located on private property or Washington State controlled land associated with the SR 520 highway that is located within 200 feet of Lake Washington pursuant to MMC 20.60.050;
4. Removal or pruning of any tree that is:
 - a. Six inches or larger diameter breast height size;
 - b. Located in any open or closed city right-of-way; and

c. Designated a hazard tree pursuant to MMC 20.52.200, or involving hazard pruning authorized by the director.

C. An administrative right-of-way tree activity permit meeting the requirements set forth in MMC 20.71.050 is required for the following activities:

1. Removal of any tree, excluding hazard trees, that is:
 - a. Six inches or larger diameter breast height size;
 - b. Located in any open or closed city right-of-way;
 - c. Application for the permit is made by the owner of property adjoining the right-of-way where the tree is located measured to the centerline of the right-of-way; and
 - d. The removal does not require a nonadministrative right-of-way activity permit under subsection (D) of this section.
2. Pruning of any tree, excluding hazard pruning, that is:
 - a. Six inches or larger diameter breast height size;
 - b. Located in any open or closed city right-of-way;
 - c. Application for the permit is made by an owner of property adjoining the right-of-way where the tree is located measured to the centerline of the right-of-way; and
 - d. Excluding pruning activity that:
 - i. Follows ANSI standards in their most recent form;
 - ii. Does not endanger the life of the tree in the opinion of the director;
 - iii. Does not remove more than 25 percent of the natural canopy of the tree;
 - iv. Does not remove a limb having a diameter greater than three inches; and
 - v. Application for the pruning is made by an owner of property adjoining the right-of-way where the tree is located measured to the centerline of the right-of-way.

D. A nonadministrative right-of-way tree activity permit meeting the requirements set forth in MMC 20.72.090 is required for the following activities:

1. Removal of any tree, excluding hazard trees, which is:
 - a. Six inches or larger diameter breast height size;
 - b. Located in any open or closed city right-of-way; and
 - c. Application for the permit is made by an owner of property who is not adjoining the right-of-way where the tree is located measured to the centerline of the right-of-way.

2. Pruning or removal of any tree, excluding hazard trees and hazard pruning, for any purpose, which is:

- a. Six inches or larger diameter breast height size;
- b. Located in any open or closed city right-of-way; and
- c. Application for the permit is made by a public or private utility or their agent.

3. Removal at any time of a significant tree, excluding hazard trees, which is:

- a. Fifty inches or larger diameter breast height size;
- b. Located in any open or closed city right-of-way; and
- c. Application for the permit is made by an owner of property adjoining the right-of-way where the tree is located measured to the centerline of the right-of-way.

E. A nonadministrative tree activity permit meeting the requirements set forth in MMC 20.72.100 is required for the following:

1. Removal at any time of a significant tree, excluding hazard trees, which is:

- a. Fifty inches or larger diameter breast height size;
- b. Located on private property; and
- c. Located outside of the footprint of a building containing the principal use of the property.

2. The director may modify the procedures for deciding a nonadministrative tree activity permit and approve the application using a Type 2 decision process provided:

- a. The subject tree is designated a nuisance tree pursuant to MMC 20.52.210; and
- b. During the public comment period, the city does not receive any written objection to a Type 2 decision decided by the director being used; and
- c. The approval criteria in MMC 20.72.100 are satisfied.

20.52.320 Tree preservation plan.

A. Permits for lands under development and permits for removing city trees in city rights-of-way shall include a tree preservation plan containing the following information:

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

- a. Topography of the site at two-foot contour intervals.
- b. Critical areas as defined in Chapters 20.50 and 20.67 MMC.

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.
 - c. The shoreline jurisdiction as defined in RCW 90.58.030, if applicable to the property.
3. A 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.
 - 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 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 diameter breast height.
 - c. 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 percent within the first 15-feet of the front property line.
 - 2. 10 percent within the first 15-feet of the rear property line.
- ii. At least 20 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).

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

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

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

fi. As applicable, a proposed 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 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 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 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 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 supplemental plantings.

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.

20.52.340 Tree protection measures during construction.

A. Tree protection measures shall be implemented and maintained before and during all construction activities to ensure the preservation of significant trees that are planned to be retained. Tree protection measures shall be shown on grading and drainage plans, tree protection plans, and construction mitigation plans.

B. Tree protection measures shall include, but are not limited to, the following:

1. Establish tree protection zones and install protective fencing at the drip line or other barriers that are at least four feet in height, except where tree protection zones are remote from areas of land disturbance, and where approved by the director, alternative forms of tree protection may be used in lieu of tree protective fencing; provided, that the critical root zones of protected trees or stands of trees are clearly delineated and protected;

2. Limit grading levels around subject trees to not raise or lower grades within the larger of the following areas:

a. The drip line area of the tree; or

b. An area around the tree equal to one foot in diameter for each inch of tree diameter measured at DBH;

3. Installation of a tree well, but only where necessary and only with pre-approval of the city;

4. Designation of areas on site for parking, material and equipment storage, construction ingress and egress, and similar designated areas that do not negatively impact significant trees;

5. Locate trenches for utilities that minimize negative effects on the tree root structure with provisions for filling the trenches with a suitable growing medium in the vicinity of the trees;

6. Employ measures to protect critical root systems from smothering and compaction;

7. Implement a tree care program during construction to include watering, fertilizing, pruning and pest control; and

8. Measures for the disposal of potentially harmful items such as excess concrete, polluted water runoff, and other toxic materials.

C. The director may approve deviations to the tree protection measures set forth in subsection (B) of this section if the director determines that the deviation will provide equal or better tree protection than the required tree protection measure.

20.52.400 City tree removals.

A. This section sets forth the requirements applicable to all trees located on city-owned property and city rights-of-way.

B. General Provisions.

1. This section is intended to be of general application for the benefit of the public at large; it is not intended for the particular benefit of any individual person or group of persons other than the general public;

2. In addition to the limits set forth in MMC 20.52.020, no city tree shall be broken, injured, mutilated, killed, destroyed, pruned or removed unless authorized by the provisions of this section; and

3. The exemptions in MMC 20.52.030 apply to this section.

C. Pruning and trimming of city trees is permitted provided ANSI standards in their most recent form are followed and the trimming and pruning comply with the requirements for tree activity permits set forth in MMC 20.52.310.

D. Removal of a city tree located within an open or closed city right-of-way may be allowed for the following:

1. Hazard trees designated pursuant to MMC 20.52.200;

2. Nuisance trees designated pursuant to MMC 20.52.210;

3. Trees not suitable under utility lines, or in the city right-of-way, as prescribed in the “City of Medina List of Suitable Tree Species”;

4. Any tree having less than a 10-inch diameter breast height size; and any trees not included on the “City of Medina Suitable Tree Species List” for the right-of-way having less than a 36-inch diameter breast height size;

5. Trees where pruning and trimming for utilities caused significant defects to the primary stem of the tree resulting in significant abnormal growth;

6. Trees where removal is necessary to allow vehicle access to a property;

7. Trees where removal is necessary to restore a view significantly obstructed by the tree provided all of the following criteria are satisfied:

a. The owner of the adjoining property to the subject tree and the city both accept allowance to have the tree removed;

b. The person claiming the view obstruction establishes the tree causes an unreasonable view obstruction using the provisions established in MMC 18.16.040 through 18.16.080; and

c. The approval of a nonadministrative right-of-way activity permit is obtained pursuant to MMC 20.72.090.

E. Where subsection (D) of this section allows removal of a city tree, the following shall apply:

1. Removal of city trees, including hazard and nuisance trees, is permitted only if replacement trees are planted in accordance with the requirements in Table 20.52.400(E)(1), except as allowed otherwise by this section;

Table 20.52.400(E)(1) Replacement City Trees

	Diameter Breast Height of Removed Tree	Significant/Nonsignificant Tree Species	Tree Replacement
Each Tree (Include Nuisance Trees)	Less than 6 inches	All	None
	6 to 10 inches	All	Plant one tree
	Greater than 10 inches, but less than 24 inches	Nonsignificant	Plant one tree
		Significant	Plant two trees
	24 inches and larger	Nonsignificant	Plant two trees
Significant		Plant three trees	
Each Hazard Tree	6 to 10 inches	All	None
	Greater than 10 inches	All	Plant one tree

2. Replacement trees shall meet the following standards:

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

b. Replacement trees shall be planted within the city right-of-way adjoining the subject lot;

c. Each replacement 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. Replacement trees shall be planted in a manner of proper spacing and lighting that allows them to grow to maturity;

e. At least one replacement city tree shall be of the same plant division (coniferous or deciduous) as the city tree removed;

f. Approval to remove a city tree shall include conditions to make certain that replacement trees remain healthy and viable for at least five years after inspection by the city, including measures to replace those replacement trees that do not remain healthy and viable;

3. In addition to the requirement for replacement trees in subsections (E)(1) and (2) of this section, the public benefits lost due to the removal of the city tree shall be mitigated by paying a contribution to the Medina tree fund in accordance with the following:

a. The contribution shall be determined by multiplying the diameter breast height inches of the tree removed (significant and nonsignificant tree species) by a rate of \$25.00;

b. Where more than one city tree is removed, the contribution for each removed tree shall be added together to produce the total payment to the Medina tree fund;

c. The contribution rate for a city tree designated a hazard pursuant to MMC 20.52.200 is zero;

d. If removal of the city tree was not authorized by the city at the time of its removal, the contribution rates shall triple and be in addition to any other penalties that might apply;

e. Unless a city tree qualifies for the emergency exemption pursuant to MMC 20.52.030(B), city trees removed before a hazard or nuisance determination is made by the city shall be presumed not to be a hazard or a nuisance.

F. The following planting requirements apply within the city right-of-way when a city tree is removed:

1. The maximum number of trees in the city right-of-way shall be one tree for each 17 feet of linear public street frontage, or one tree for each 300 square feet of plantable area within the city right-of-way, whichever is greater, adjoining the subject lot;

2. The director may increase the maximum number of city trees prescribed in subsection (F)(1) of this section, provided there is sufficient space in the city right-of-way adjoining the lot to accommodate the increase in city trees;

3. If the tree replacement requirements prescribed in subsection (E) of this section would result in the total number of city trees in the right-of-way to exceed the maximum prescribed in subsection (F)(1) or (2) of this section, an applicant shall contribute \$290.00 to the Medina tree fund for each replacement tree above the maximum in lieu of planting replacement trees above the maximum;

4. If the tree replacement requirements prescribed in subsection (E) of this section would result in the total number of city trees in the right-of-way to be below the maximum prescribed in subsection (F)(1) or (2) of this section, an applicant may plant additional trees in the right-of-way, subject to the limits in subsection (F)(1) or (2) of this section, and reduce contributions to the Medina tree fund by:

- a. Six hundred dollars for each coniferous tree planted;
- b. Five hundred dollars for each deciduous tree planted; and

5. New trees shall not be planted within three feet of the edge of any paved roadway.

G. The requirements of this section may be used to satisfy the requirements set forth in MMC 20.52.410.

H. Where a proposal includes application of this section and application of MMC 20.52.130 and/or 20.52.150, the requirements for supplemental trees and restoration trees shall be applied independent of the requirements in this section for replacement trees.

20.52.410 Minimum street tree standards.

A. This section shall apply to properties adjoining the following city rights-of-way:

1. Minor arterial and collector street rights-of-way as defined in Chapter 10.08 MMC;
2. NE 8th Street;
3. 82nd Avenue NE between NE 8th Street and NE 12th Street;
4. 84th Avenue NE south of NE 12th Street; and
5. Evergreen Point Road north of 78th Place NE.

B. The following street tree standards shall apply when the lot adjoining the right-of-way is under development pursuant to MMC 20.52.100:

1. There shall be at least one city tree planted for each 300 square feet of plantable area within the city right-of-way adjoining the lot with a minimum of two trees planted; and
2. The new city trees planted shall have a minimum two-inch caliper with coniferous trees also having a minimum height of six feet at the time of final inspection; and
3. The requirements of this subsection may be satisfied with existing trees in the adjoining city right-of-way measured to the centerline; and
4. New city trees shall not be planted within three feet of the edge of any paved roadway; and
5. Trees shall be planted in an informal pattern to create a natural appearance.

C. The following exceptions shall apply:

1. Shrubs, trees and plantings within the required sight line areas at private drives, private lane outlets and street intersections shall not interfere with required sight distances;
2. The director may waive the requirements of this section if the right-of-way to be planted is planned for modification in the Medina capital improvements plan.

20.52.420 Owner responsibility within city rights-of-way.

A. All owners of property adjoining a city right-of-way shall be responsible for maintaining all trees, shrubs, and other landscaping planted in the adjoining right-of-way by the property owner or previous owner of the property, or for which responsibility has been assumed by the owner through a recorded agreement with the city.

B. All owners of the property adjoining a city right-of-way shall ensure the trees, shrubs and landscaping in the right-of-way adjoining their property do not interfere with the free passage of vehicles and pedestrians or cause any risk of danger to the public or property.

C. No hazardous or destructive tree species shall be planted in the city rights-of-way. The city shall maintain a list of suitable trees that are acceptable to be planted in city rights-of-way consistent with MMC 20.52.050.

D. The requirements of this section shall apply equally to the city rights-of-way whether the city's title to the right-of-way was obtained by dedication, condemnation, deed or in any other manner.

E. For the purpose of this chapter, an owner shall be considered adjoining up to the centerline of the city right-of-way.

20.52.500 Liability.

Consistent with MMC 20.10.070, nothing contained in this chapter shall be construed or form the basis for any liability on the part of the city, or its officers, agents, consultants or employees, for any injury or damage resulting from any person's failure to comply with the provisions of this chapter or by reason of or in consequence of any act or omission in connection with the implementation of or enforcement of this chapter.

20.52.510 Other general provisions.

A. Implementation and Costs.

1. All costs associated with trimming and removal of trees shall be the responsibility of the applicant or property owner; and
2. Any tree trimming or removal governed by this chapter shall be performed by a state of Washington licensed tree service contractor, bonded and insured for the liabilities associated with tree removal.

B. Survey. The city may require as a condition of approving a tree removal permit that the applicant obtain a survey by a state of Washington licensed surveyor to determine if the trees described in the application are located on the subject property, or if a tree is located within a city right-of-way.

C. Supplemental Notice. The following shall supplement noticing requirements set forth in MMC 20.80.140(A) when applied to tree activity permits:

1. Notice shall be posted on or near the subject tree or trees in a manner that clearly identifies all trees being considered under the application;

2. The director may approve the use of a variety of reasonable methods to identify trees provided the methods clearly identify all trees being considered under the application; and
3. The director may require additional notices to be posted when, in the opinion of the director, it is determined necessary to provide reasonable notification to the public of a pending application.

D. Limitations on Occupancy. A certificate of occupancy shall not be issued until all required tree plantings and landscaping associated with this chapter is complete and receives final approval from the city. Temporary occupancy may be granted pursuant to MMC 20.40.100 before completion of the tree planting and landscaping work provided all of the following criteria are satisfied:

1. The property owner provides a financial guarantee to the city to ensure completion of the tree planting and landscaping;
2. The financial guarantee may take the form of a bond, line of credit, cash deposit, or another form acceptable to the city;
3. The minimum amount of the financial guarantee shall be 150 percent of the estimated cost of landscaping and required tree plantings not completed at the time of the inspection; and
4. Terms of the financial guarantee shall include, but are not limited to, conditions for approving the financial guarantee, a timeframe for the work to be completed, and terms under which the city shall release the financial guarantee.

E. View and Sunlight Obstructions Caused by Trees. Pursuant to MMC 18.16.040, unreasonable obstructions of views or sunlight by uncontrolled growth or maintenance of trees may constitute a private nuisance subject to redress as set forth in Chapter 18.16 MMC.

Chapter 20.52

TREE MANAGEMENT CODE

Sections:

- 20.52.010 Purpose and intent.
- ~~20.52.015 General provisions and applicability.~~
- 20.52.020 Applicability of the tree management code.
- 20.52.025 *Repealed.*
- 20.52.030 Exemptions.
- 20.52.040 Using this chapter.
- 20.52.050 Designation of significant tree species.
- 20.52.060 *Repealed.*
- 20.52.070 *Repealed.*
- 20.52.080 *Repealed.*
- 20.52.090 *Repealed.*
- 20.52.100 Designation of land under development.
- ~~20.52.110 Tree retention requirements. Repealed.~~
- 20.52.120 Legacy and Landmark tree protection measures.
- 20.52.130 Minimum ~~performance~~ preservation standards for land under development.
- 20.52.140 ~~Off-site tree planting~~ Supplemental tree standards and priorities.
- 20.52.150 Minimum restoration standards for land not under development.
- 20.52.160 *Repealed.*
- 20.52.200 Hazard tree risk assessment.
- 20.52.210 Nuisance tree.
- 20.52.220 City arborist established.
- 20.52.300 Notice of tree removal involving no construction.
- 20.52.310 Tree activity permits.
- 20.52.320 Tree ~~removal and planting~~ preservation plan.
- 20.52.330 Fee-in-lieu of supplemental plantings.
- ~~20.52.340~~ Tree protection measures during construction.
- 20.52.400 City tree removals.
- 20.52.410 Minimum street tree standards.
- 20.52.420 Owner responsibility within city rights-of-way.
- 20.52.500 Liability.
- 20.52.510 Other general provisions.

20.52.010 Purpose and intent.

A. The purpose of the tree management code is to preserve the existing sylvan appearance through long-term retention preservation and planting of trees that contribute to the community’s distinct features including proximity to the lakeshore, views, heavily landscaped streetscapes, and large tracts of public and private open spaces.

B. The intent of this chapter is to establish regulations and standards that:

- 1. Protect and preserve the existing tree canopy;

- 2. Provide homeowners flexible standards that encourage the preservation of trees while recognizing the importance of having access to sunlight and views;
- 3. Recognize through the standards in this chapter that certain factors may require the removal or pruning of certain trees due to circumstances such as disease, danger of falling, proximity to structures and improvements, interference with utility services, protection of view and sunlight, and the reasonable enjoyment of property;
- 4. Encourage best practices for the planting and managing of trees appropriately to minimize hazards, nuisances, and maintenance costs while allowing access to sunlight and views;
- 5. Prevent the indiscriminate removal or destruction of trees except as provided for in accordance with this chapter;
- 6. Promote building and site planning practices consistent with the purpose and intent of this chapter;
- 7. Ensure prompt development, restoration, replanting and effective erosion control of property after tree removal with landscape plans and other reasonable controls; and
- 8. Foster public education on the local urban forestry program and encourage good tree management consistent with this chapter. (Ord. 923 § 9, 2015; Ord. 909 § 2 (Att. A), 2014)

20.52.020 Applicability of the tree management code.

A. No person or their representative, directly or indirectly, shall remove or destroy trees located on private property or public property within the jurisdictional boundaries of the city except as provided for in accordance with this chapter.

B. Additional tree management requirements are set forth in the Medina shoreline master program as provided in MMC 20.66.050. (Ord. 923 § 10, 2015; Ord. 909 § 2 (Att. A), 2014)

20.52.025 Using this chapter.

Repealed by Ord. 923. (Ord. 909 § 2 (Att. A), 2014)

20.52.030 Exemptions.

The following are exempt from the requirements in this chapter:

- A. Trees less than six inches diameter breast height unless the tree is used to satisfy a requirement of this chapter;
- B. Normal and routine trimming and pruning operations and maintenance of trees and vegetation on private property following the most current ANSI standards;
- C. Emergency tree removal or hazard pruning for any tree that poses an imminent threat to life or property provided:
 - 1. The city is notified within seven days after the emergency tree removal or hazard pruning takes place and evidence is provided of the imminent threat supporting the emergency tree removal; and

2. If evidence of the imminent threat is not provided, or the director determines the evidence does not warrant an emergency tree removal, the director may require the responsible person to obtain a permit as prescribed by this chapter and require compliance with the requirements of this chapter;

D. Trimming and pruning operations and maintenance of trees and vegetation following the most current ANSI standards or removal of trees performed by the city or a contractor contracted by the city within a public right-of-way or city-owned parkland;

E. Removal of trees and vegetation management by the city or an agency under contract with the city for purposes of installing and maintaining fire hydrants, water meters, pumping stations, or similar utilities; or

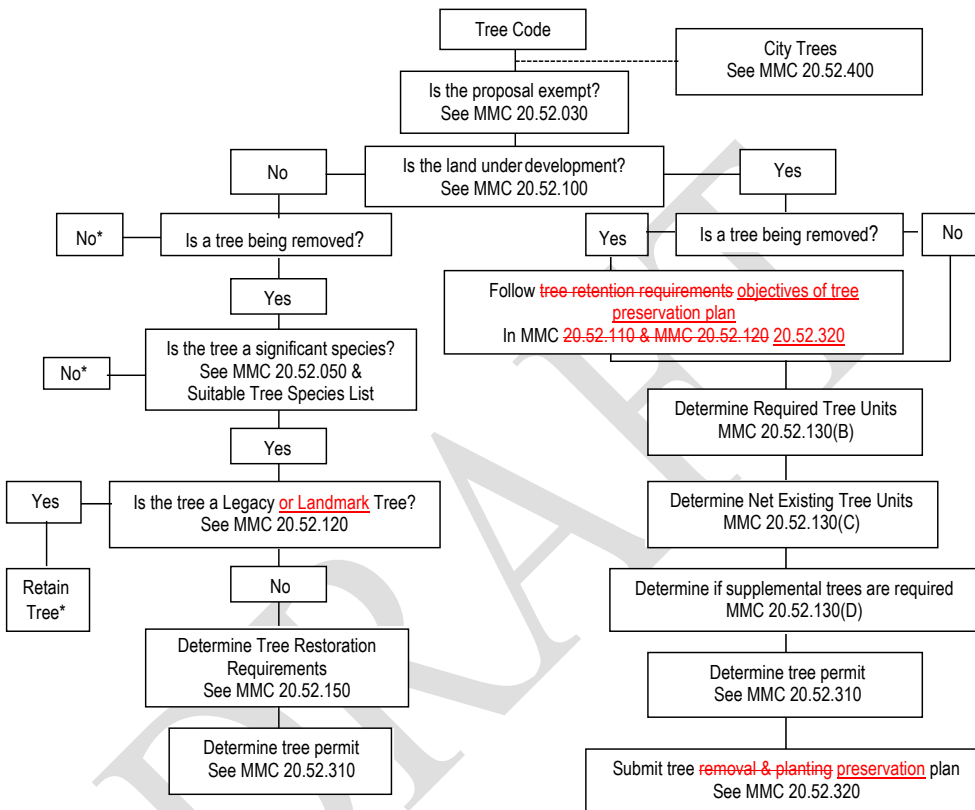
F. The removal of a dead tree where the director pre-determines that the tree died from naturally occurring causes. (Ord. 923 § 12, 2015; Ord. 909 § 2 (Att. A), 2014)

20.52.040 Using this chapter.

This chapter prescribes the requirements for tree ~~retention~~ preservation and planting on lands undergoing development, and the requirements for removal of significant trees on private and public lands. Diagram 20.52.040 offers a user's guide that outlines the general process for applying the provisions of this chapter.

DRAFT

Diagram 20.52.040



* Denotes no further action required.

20.52.050 Designation of significant tree species.

A. A list of suitable tree species consisting of coniferous and deciduous trees is set forth in the document entitled “City of Medina List of Suitable Tree Species,” adopted by Ordinance No. 923 and on file with the city for the purpose of establishing significant tree species on private property, public property, and city rights-of-way; and tree species that are eligible for credits in this chapter.

B. The director shall maintain the “City of Medina List of Suitable Tree Species” document at Medina City Hall and may administratively modify the list consistent with the following criteria:

- 1. The designation of coniferous trees should include all species excluding tree species known to have invasive root structures and to be fast growing such as Leyland cypress and should also exclude trees planted, clipped or sheared to be used as a hedge;
- 2. The designation of deciduous trees should include those suitable to United States Department of Agriculture Plant Hardiness Zones 8 and 9, excluding those trees with crown diameter of 10 feet or less at maturity;
- 3. Plantings of the following tree species within the city’s rights-of-way shall be prohibited: London plane, quaking aspen, Lombardy poplar, bolleana poplar, cottonwood, and bigleaf maple.

C. The director shall submit proposals to modify the “City of Medina List of Suitable Tree Species” to the city council for their consideration. The city council may approve, modify or deny the proposed modifications. The city council may also decline to take action on the proposed modifications, in which case the modifications shall be incorporated into the list and take effect five days after the date the city council declines to take action.

D. The “City of Medina List of Suitable Tree Species” is used in conjunction with the definition of significant tree set forth in MMC 20.12.200 to denote the term significant tree as used in this chapter. (Ord. 923 § 14, 2015; Ord. 909 § 2 (Att. A), 2014)

20.52.060 Notice of tree removal involving no construction.
Repealed by Ord. 923. (Ord. 909 § 2 (Att. A), 2014)

20.52.070 Tree removal and replacement plan.
Repealed by Ord. 923. (Ord. 909 § 2 (Att. A), 2014)

20.52.080 Designation of significant tree species.
Repealed by Ord. 923. (Ord. 909 § 2 (Att. A), 2014)

20.52.090 Tree replacement requirements.
Repealed by Ord. 923. (Ord. 909 § 2 (Att. A), 2014)

20.52.100 Designation of land under development.
 Land is designated as under development for purposes of this chapter if one or more of the following conditions is present:

- A. Any development activity requiring a building permit where:
 - 1. Construction of a dwelling having a gross floor area of 2,500 square feet or more;
 - 2. Construction of accessory buildings on property containing a residential use, or supporting a residential use, where the total gross floor area of all accessory buildings on the lot is 1,000 square feet or more;
 - 3. Any building constructed to be occupied principally by a nonresidential use where the gross floor area of the building is 1,000 square feet or more;

Commented [TE1]: It would be helpful to have an end or completion of “land under development” included in this section of code – something like, the designation of land under development shall be from the time the building or grading & drainage permit is submitted until the time that the associated tree permit is finalized. This would help permit coordination and fee application.

4. Any series of exterior alterations, modifications or additions that over a four-consecutive-year period increases the total building footprint on a lot by more than 500 square feet or 15 percent, whichever is larger;

5. Construction of any structures, including but not limited to driveways, decks, patios, and walkways, that over a four-consecutive-year period increases the impervious surface on the lot by a total of 2,000 square feet or more;

6. Grading that over a four-consecutive-year period totals 2,000 cubic yards or more.

B. Any development activity requiring a building permit, a right-of-way permit, and/or a land use or shoreline permit where:

1. One or more significant trees are removed, with at least one tree having a 10-inch diameter breast height or larger size; or

2. Four or more significant trees are removed, provided each has less than a 10-inch diameter breast height size; and

3. The criteria in subsections (B)(1) and (2) of this section shall include the following trees:

a. Significant trees removed within two years prior to the submittal of an application for such permits; or

b. Significant trees removed within two years after such permits are finalized by the city and the project completed.

C. Clearing or grubbing of land that:

1. Is located outside of city rights-of-way;

2. Requires no permits, except for a tree permit; and

3. Removes four or more significant trees, with at least four trees having a 10-inch diameter breast height or larger size, over a four-consecutive-year period.

D. The counting of removed trees under subsections (B) and (C) of this section shall not include those trees designated as a hazard or nuisance tree pursuant to MMC 20.52.200 and 20.52.210, respectively. (Ord. 925 § 1, 2015; Ord. 923 § 16, 2015; Ord. 909 § 2 (Att. A), 2014)

20.52.15 General provisions and applicability:

Where land is designated as under development pursuant to MMC 20.52.100, the preservation of healthy trees shall be considered in accordance with the following guidance:

1. Tree preservation shall be included as a primary step in site planning and shall be achieved by meeting the minimum required tree units established in Table 20.52.130(B).
2. Site design strategies and specific development site areas demonstrating preservation of significant trees shall be presented at the pre-application meeting with the city.
3. A tree preservation plan shall be required that demonstrates the objectives outlined in MMC 20.52.320.
4. Any applicable grading plans, pursuant to MMC Chapter 20.43, shall be developed to avoid significant alteration to the grades around preserved trees.
5. Multiple applications of the tree retention preservation 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.
6. When calculating retention requirements tree preservation requirements, trees excluded from retention preservation requirements shall not be included in the calculation.
7. For the purpose of calculating tree density requirements, critical areas and their associated buffers shall be excluded from the lot area used for calculation (example: a 16,000 square foot lot has a stream on site that encompasses 1,500 square feet including the stream buffer. The lot area used for tree density calculation would be 14,500 square feet (16,000 – 1,500 = 14,500) provided:
 - a. 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; and
 - b. Removal of any vegetation or woody debris, including trees, from a critical area is subject to the regulations in MMC Chapters 20.50 and 20.67.
8. All of the following shall be excluded from the requirements of this section chapter:
 - a. Hazard trees designated pursuant to MMC 20.52.200;
 - b. Nuisance trees designated pursuant to MMC 20.52.210 and where, if applicable, re-development does not remedy the conditions causing the nuisance;
 - c. 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.

Commented [TE2]: I suggest removing the word "significant" because it's unspecific and we're dealing with finite space for tree protection.

Commented [TE3]: "within tree protection areas." This would be more specific and a dimension around trees typically measured from their trunk or other existing root zone limitation (like an existing wall).

Commented [TE4]: The unit is tree credits – suggest replacing "the number and size of trees" with "tree units"

Commented [TE5]: This is an interesting addition. I'm uncomfortable with this addition if it will be required for all tree permits including those outside of development because then we'd have to map the steep slope or wetland and subtract it from the lot area.

20.52.110 Tree retention requirements Repealed.

~~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 one of the following:~~

- ~~1. Preserve at least 50 percent of the existing trees that are:
 - ~~a. Six inches diameter breast height and larger; 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”; 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~~
 - ~~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~~~~
 - ~~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.~~
- ~~D. Multiple applications of the tree retention requirements in this section 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.~~
- ~~E. When calculating retention requirements, trees excluded from retention requirements shall not be included in the calculation.~~
- ~~F. All of the following shall be excluded from the requirements of this section:~~
- ~~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-inch diameter breast height size and located within the footprint of the principal building on the lot. (Ord. 923 § 17, 2015; Ord. 909 § 2 (Att. A), 2014)~~

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 the following criteria:

1. Legacy tree:

~~1a.~~ The tree species is denoted as a legacy tree on the “City of Medina List of Suitable Tree Species”; and

~~2b.~~ The diameter breast height of the tree is ~~50~~ 36 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.~~

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.~~

4. ~~The tree is not:~~

~~a. A hazard tree pursuant to MMC 20.52.200; or~~

Commented [TE6]: I haven't seen one tree in Medina that meets this criterion. The largest I've seen was 68" DBH Douglas fir tree on the Stephanus property.

- ~~b. 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; or~~
- ~~c. 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.~~

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 each subject Legacy tree by 50 percent the required percentage standards in Table 20.52.120(B) to establish the number of replacement inches units; 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~~

~~b. All fractions of this section shall be rounded up to the next whole number.~~

~~3. 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) 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 units</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>

The following example illustrates how to calculate legacy tree replacement units on a lot that is less than 10,001 square feet:

Lot size: 8,120 sq. ft.

Required tree units: 8,120 / 1,000 x 0.4 (tree density ratio) = 3.2 (rounded up to the next whole number) = 4

Total existing tree units on site: 6.5 units

Eight 10-inch DBH trees – 4 units (.5 units per tree)
Two 24-inch DBH trees - 1.5 units (.75 units per tree)
One 44-inch DBH Tree – 1 unit (1 unit per tree)

Total tree units removed: 3

Four 10-inch DBH trees = 2 units removed
One 44-inch DBH tree = 1 unit removed

Net tree units: 3.5

Supplemental Units Required: Yes (4 required tree units – 3.5 net tree units) = .5

Legacy Tree Removed: Yes – One 44-inch DHB tree

Legacy Tree Supplemental Units: 10% x 44 = 4.4 (rounded up to the next whole number) = 5

Landmark Tree Removed: No

Total supplemental Requirements = 5.5 units (.5 supplemental units + 5 legacy supplemental units) = 6 trees

2. Landmark tree:

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

b. All fractions of this section shall be rounded up to the next whole number.

C. In lieu of planting the replacement trees prescribed in subsection (B) of this section, an applicant may satisfy the tree replacement requirements by: meeting the criteria set forth in MMC 20.52.330.

1. Planting at least three replacement trees; and

2. Contributing to the Medina tree fund at a rate of \$400.00 per each replacement inch not accounted for in the planting of replacement trees; and

3. The sum of the tree replacement inches accounted for by contributing to the Medina tree fund and the total caliper inches of the replacement trees planted shall not be less than the total replacement inches calculated in subsection (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~~ Legacy 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~~ Legacy and Landmark tree shall not be used to satisfy requirements for removing nonlegacy trees or a pre-existing tree unit gap;

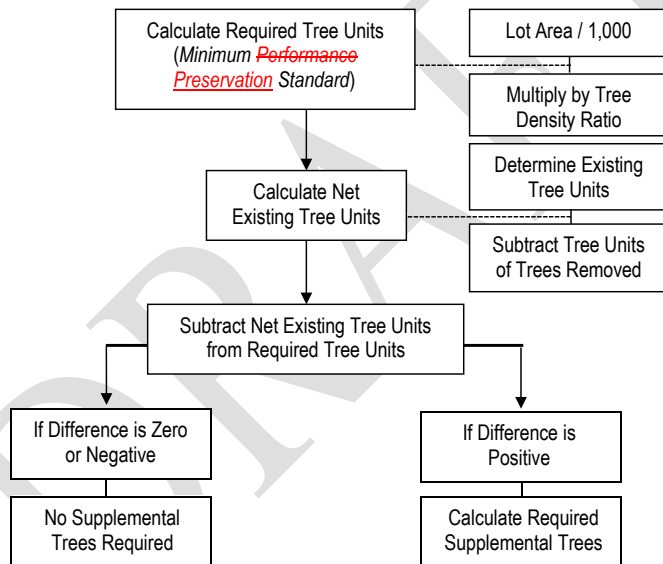
4. If the minimum performance preservation standards in MMC 20.52.130 are used, and if supplemental tree units are required, the tree replacement requirements set forth in subsections (B) and (C) of this section shall together count as one supplemental tree unit;

5. Off-site tree planting as described in MMC 20.52.140 ~~(A), (B), (C), (D), 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 preservation 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 Preservation 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	0.3540
	Golf Course	0.15
	Nonresidential other than specifically listed	0.25
Public	Schools	0.15
	Parks	0.42
	Residential	0.3540
	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
	Greater than 10 inches	1.0 0.75
Coniferous	6 to 10 inches	0.75
	Greater than 10 inches, but less than 50 36 inches	1.0 0.75
	50 36 inches and greater	1.250

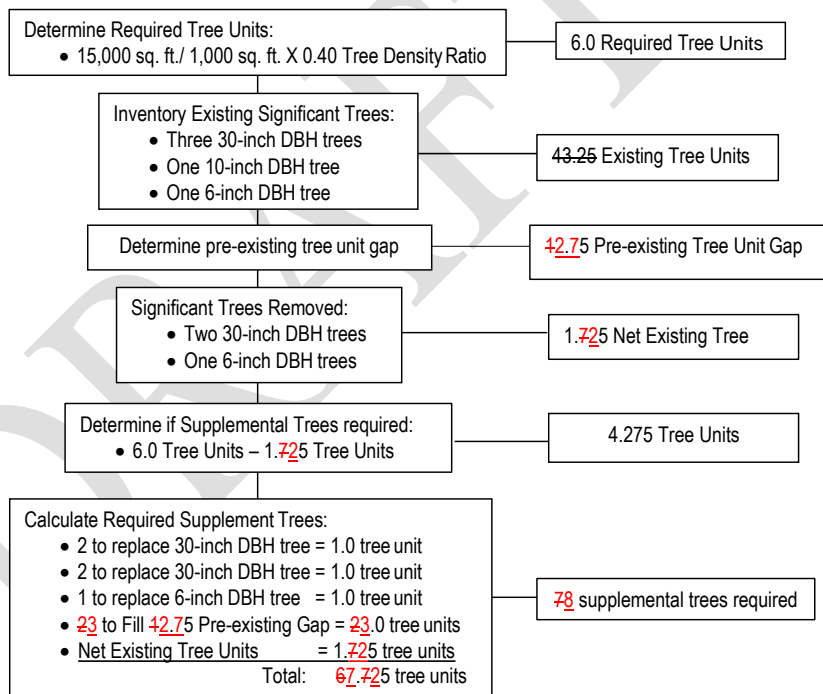
D. If supplemental trees are required, the quantity of trees is determined by applying the following procedures:

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 (B) 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. Adjacent to a low impact development (LID) stormwater facility;
- c. Within the first 15 feet of the front property line.
- 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;

Commented [TE7]: Having these two priority placements may run crosswise to planting large maturing trees. Consider that there are many overhead powerlines (OHL) along the ROW throughout the city and these OHL require only smaller stature trees (those with a mature height of <30' planted within 15' lateral feet of the OHL.

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 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 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 existing trees on the property where the off-site tree is located.

20.52.150 Minimum restoration standards for land not under development.

A. The requirements set forth in this section apply to tree removals on lots not meeting the criteria for land under development set forth in MMC 20.52.100.

B. Removal of significant trees on a lot, including hazard and nuisance trees, is authorized only if the restoration requirements in Table 20.52.150 are satisfied, or if the property meets the requirements prescribed in subsection (K) of this section.

Table 20.52.150 Tree Restoration Standards

	Diameter Breast Height of Removed Tree	Restoration Requirements
Each Significant Tree	6 to 10 inches	Plant one tree
	Greater than 10 inches, but less than 24 inches	Plant two trees

	Diameter Breast Height of Removed Tree	Restoration Requirements
	24 inches and larger	Plant three trees
	Legacy trees	See MMC 20.52.120
	Hazard trees – 10 inches and larger	Plant one tree

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

D. Restoration trees shall be planted within the boundaries of the lot, except as authorized pursuant to subsection (J) of this section.

E. Restoration trees shall be planted in a manner of proper spacing and lighting that allows them to grow to maturity.

F. Each restoration 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.

G. The restoration tree shall be planted so that the root flare or trunk flare is at or slightly above finish grade.

H. Existing trees on site having less than six inches diameter breast height may be included as restoration trees provided:

1. The subject tree is located within the boundaries of the lot; and
2. The subject tree meets all of the other requirements applicable to restoration trees.

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

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

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

L. The restoration requirements in Table 20.52.150 for removing significant trees shall be waived if the following criteria are satisfied:

1. The subject lot contains a sufficient number of enough significant trees to meet the performance standard for required trees established in MMC 20.52.130; and
2. The owner demonstrates that removal of the significant tree, including hazard and nuisance trees, will not result in a failure to meet the performance standards for required trees established in MMC 20.52.130. (Ord. 923 § 20, 2015; Ord. 909 § 2 (Att. A), 2014)

Commented [TE8]: Suggest more specific limitation to restoration tree planting that counts for credit; should include: 1- restoration tree stems shall be no closer than 10’ to exterior wall of house and at least 10’ offset from an eave or covered patio, 2- restoration tree(s) shall not be planted in a line and be the same species, 3- restoration tree(s) shall be planted outside of the dripline of existing trees.

Commented [TE9]: This is the number 1 reason I reject a restoration tree planting. A tree planted too deep has a high likelihood of developing girdling roots and dying ~10 years after planting, just as it’s reaching the size that provides the canopy that the code is looking to replace.

20.52.160 Lots 12,000 square feet or less.

Repealed by Ord. 923. (Ord. 909 § 2 (Att. A), 2014)

20.52.200 Hazard tree risk assessment.

A. Hazard trees are trees assessed by the city arborist as having a high to extreme risk rating using the International Society of Arborists Tree Risk Assessment Qualification (TRAQ) method in its most current form.

B. Steps in the TRAQ method in developing a tree risk rating include the following:

1. Identify possible targets and estimate occupancy rate;
2. Inspect tree and identify tree parts that could fail and strike targets (referred to as failure mode);
3. For each significant failure mode identified:
 - a. The likelihood of failure is assessed;
 - b. The likelihood of a tree part impacting a target is assessed;
 - c. The likelihood of a tree failure impacting a target is assessed;
 - d. Consequences of failure are estimated;
 - e. The risk is designated pursuant to the matrix in Table 20.52.200(C);
 - f. Possible mitigation treatments to reduce the risk are identified;
 - g. The risk is again designated pursuant to the matrix in Table 20.52.200(C) after mitigation treatment is completed.
4. When assessing the risk of a tree, the city arborist shall evaluate the tree based on existing conditions and shall exclude possible impacts caused by new development, any land alteration activity, or other similar such activities that might otherwise unnaturally cause the risk rating to increase.

C. The following table is from the International Society of Arborists TRAQ method and denotes the risk rating matrix used to assess levels of tree risk as a combination of likelihood of a tree failing and impacting a specified target, and the severity of the associated consequences should the tree or any part of the tree fail:

Table 20.52.200(C) Tree Risk Rating Matrix

Likelihood of Failure or Impact	Consequences			
	Negligible	Minor	Significant	Severe
Very Likely	Low Risk	Moderate Risk	High Risk	Extreme Risk
Likely	Low Risk	Moderate Risk	High Risk	High Risk

Likelihood of Failure or Impact	Consequences			
	Negligible	Minor	Significant	Severe
Somewhat likely	Low Risk	Low Risk	Moderate Risk	Moderate Risk
Unlikely	Low Risk	Low Risk	Low Risk	Low Risk

1. The consequences listed in Table 20.52.200(C) have meanings as follows:
 - a. Extreme Risk. This category applies to trees in which failure is “imminent” and there is a high likelihood of impacting a target, and the consequences of the failure are “severe.”
 - b. High Risk. This category applies to situations in which consequences are significant and likelihood is “very likely” or “likely,” or when consequences are “severe” and likelihood is “likely.”
 - c. Moderate Risk. This category applies to trees in which consequences are “minor” and likelihood is “very likely” or “likely” or when likelihood is “somewhat likely” and the consequences are “significant” or “severe.”
 - d. Low Risk. This category applies to trees in which consequences are “negligible” and likelihood is “unlikely”; or when consequences are “minor” and likelihood is “somewhat likely.”
2. Definitions of TRAQ method terminology that are not set forth in this chapter or Chapter 20.12 MMC can be found in the article “Qualitative Tree Risk Assessment” by E. Thomas Smiley, Nelda Matheny, and Sharon Lilly on file at Medina City Hall.
3. Potential targets are permanent structures or an area of moderate to high use. Where a target does not exist, applicants should consider routine pruning and maintenance to mitigate hazards.

D. Where a tree is found to have a high or extreme risk, the city arborist may authorize hazard pruning to mitigate the risk rather than removing the entire tree.

E. If the city arborist assesses a tree to have a high or extreme risk and mitigation of the risk through pruning or moving of potential targets is not feasible, the city arborist shall designate the tree a hazard tree. (Ord. 923 § 22, 2015)

20.52.210 Nuisance tree.

- A. A nuisance tree, for purposes of this chapter, is a tree whose branches, stem and/or roots cause one or more of the following conditions to exist:
1. Substantial physical damage to public or private structures;
 2. A qualified professional provides verification based on conditions on the property that substantial physical damage will occur within five years to a building containing a principal use;

3. Substantially impairs, interferes or restricts streets, sidewalks, sewers, power lines, utilities or other public improvements;

4. Substantially impairs, interferes, or obstructs any street, private lane, or driveway; or

5. The tree is diseased and restoration of the tree to a sound condition is not practical.

B. Designation of a nuisance tree is by the director following receipt of a written request and findings are made supporting a nuisance designation using the following criteria:

1. One or more of the conditions in subsection (A) of this section is present;

2. The nuisance associated with the subject tree cannot be corrected by reasonable measures including, but not limited to, pruning, cabling, bracing, or if feasible, relocating structures and other improvements; and

3. Other relevant information provided by the applicant and the city’s inspection of the subject tree. (Ord. 923 § 23, 2015)

20.52.220 City arborist established.

The director shall appoint a person to the position of city arborist who shall be assigned responsibility for evaluating the hazardousness of trees and other duties consistent with the requirements of this chapter. (Ord. 923 § 24, 2015)

20.52.300 Notice of tree removal involving no construction.

A. Property owners removing a significant tree requiring a permit under MMC 20.52.310, but not undergoing new construction or land alteration activity, shall notify the city at least 10 calendar days prior to the date the tree will be removed. The director may reduce this time with receipt of a written request from the applicant and upon finding that the lesser time will provide the city reasonable notification.

B. All property owners removing a nonsignificant tree that does not require a permit are encouraged, but not required, to notify the city of the tree removal at least 48 hours prior to the tree being removed. (Ord. 923 § 25, 2015)

20.52.310 Tree activity permits.

A. This section sets forth the criteria for applying permits that implement this chapter. All uses and activities not requiring a permit must still comply with this chapter.

B. An administrative tree activity permit meeting the requirements set forth in MMC 20.70.050 is required for the following activities unless a permit is required elsewhere under this section:

1. Land designated under development as determined in MMC 20.52.100;

2. Removal at any time of a significant tree, including hazard and nuisance trees, located on private property or Washington State controlled land associated with the SR 520 highway;

3. Removal of any nonsignificant tree, including hazard and nuisance trees, located on private property or Washington State controlled land associated with the SR 520 highway that is located within 200 feet of Lake Washington pursuant to MMC 20.60.050;

Commented [TE10]: Does this include footing drains or other drainage facilities on site? I believe it should and this should be specifically noted.

4. Removal or pruning of any tree that is:

- a. Six inches or larger diameter breast height size;
- b. Located in any open or closed city right-of-way; and
- c. Designated a hazard tree pursuant to MMC 20.52.200, or involving hazard pruning authorized by the director.

C. An administrative right-of-way tree activity permit meeting the requirements set forth in MMC 20.71.050 is required for the following activities:

1. Removal of any tree, excluding hazard trees, that is:

- a. Six inches or larger diameter breast height size;
- b. Located in any open or closed city right-of-way;
- c. Application for the permit is made by the owner of property adjoining the right-of-way where the tree is located measured to the centerline of the right-of-way; and
- d. The removal does not require a nonadministrative right-of-way activity permit under subsection (D) of this section.

2. Pruning of any tree, excluding hazard pruning, that is:

- a. Six inches or larger diameter breast height size;
- b. Located in any open or closed city right-of-way;
- c. Application for the permit is made by an owner of property adjoining the right-of-way where the tree is located measured to the centerline of the right-of-way; and
- d. Excluding pruning activity that:
 - i. Follows ANSI standards in their most recent form;
 - ii. Does not endanger the life of the tree in the opinion of the director;
 - iii. Does not remove more than 25 percent of the natural canopy of the tree;
 - iv. Does not remove a limb having a diameter greater than three inches; and
 - v. Application for the pruning is made by an owner of property adjoining the right-of-way where the tree is located measured to the centerline of the right-of-way.

D. A nonadministrative right-of-way tree activity permit meeting the requirements set forth in MMC 20.72.090 is required for the following activities:

1. Removal of any tree, excluding hazard trees, which is:

- a. Six inches or larger diameter breast height size;

- b. Located in any open or closed city right-of-way; and
 - c. Application for the permit is made by an owner of property who is not adjoining the right-of-way where the tree is located measured to the centerline of the right-of-way.
2. Pruning or removal of any tree, excluding hazard trees and hazard pruning, for any purpose, which is:
- a. Six inches or larger diameter breast height size;
 - b. Located in any open or closed city right-of-way; and
 - c. Application for the permit is made by a public or private utility or their agent.
3. Removal at any time of a significant tree, excluding hazard trees, which is:
- a. Fifty inches or larger diameter breast height size;
 - b. Located in any open or closed city right-of-way; and
 - c. Application for the permit is made by an owner of property adjoining the right-of-way where the tree is located measured to the centerline of the right-of-way.

E. A nonadministrative tree activity permit meeting the requirements set forth in MMC 20.72.100 is required for the following:

- 1. Removal at any time of a significant tree, excluding hazard trees, which is:
 - a. Fifty inches or larger diameter breast height size;
 - b. Located on private property; and
 - c. Located outside of the footprint of a building containing the principal use of the property.
- 2. The director may modify the procedures for deciding a nonadministrative tree activity permit and approve the application using a Type 2 decision process provided:
 - a. The subject tree is designated a nuisance tree pursuant to MMC 20.52.210; and
 - b. During the public comment period, the city does not receive any written objection to a Type 2 decision decided by the director being used; and
 - c. The approval criteria in MMC 20.72.100 are satisfied. (Ord. 923 § 26, 2015)

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

A. 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;~~

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

~~c. Critical area boundary's and size in square feet on parcel as defined in Chapters 20.50 and 20.67 MMC; and.~~

Commented [TE11]: To remove that critical area SF from the lot area.

~~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. Identification of all trees having a six inches or larger diameter breast height size to be retained and those to be removed; 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.~~

~~b. Analysis of required tree units, existing tree units, and net tree units; 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 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.~~

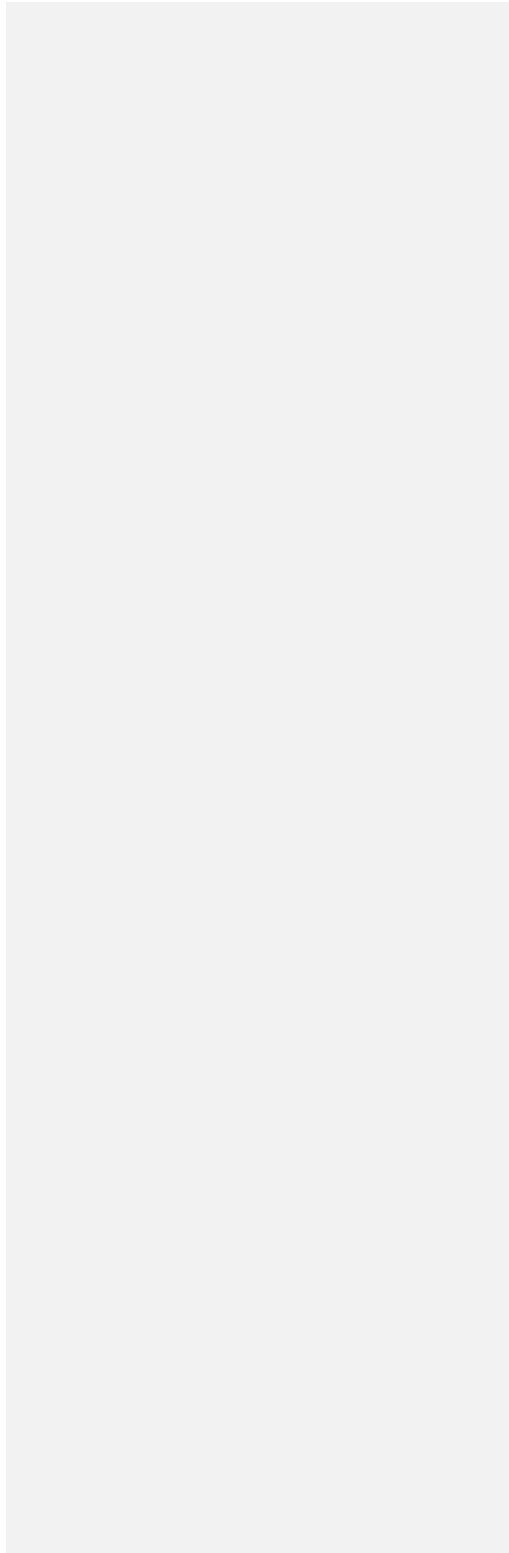
~~iii. Trees to be preserved shall be healthy and wind-firm as identified by a qualified arborist.~~

~~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 diameter breast height.

Commented [TE12]: The construction of LID facilities typically requires the removal of nearby trees. It's best to site an LID facility away from existing trees and plant new trees around it or use the LID facility location to remove & replace a diseased or declining grove of trees (typically due to the compaction and planting area preparation of the previous development at the site).

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

Commented [TE13]: I'm not a huge fan of making a subset of lots follow more challenging tree preservation requirements because it places an arbitrary limit. All property owners look to the rear setback as the place to save trees, no need to encourage this. The front property line is always a challenge to maintain tree protection due to contractor parking and access. How about the side property setbacks? Lastly, 1/5th of the tree preservation has to come from the site interior? This feels like it will lose when it runs against maximizing the development potential of a lot and the land use law which supports it. I suggest removing this and trying to go with an interim step of raising the density ratio to 0.4 and decreasing the tree units by 0.25 for each category – this should add a lot of trees (and tree challenges) to future permit seekers.

e. Compliance with the required tree density ratio pursuant to MMC Table 20.52.130(B).

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

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

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

fi. 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 supplemental plantings.

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 to acquire, transport, prepare planting area and plant the tree, materials including tree, stakes, soil amendments and fertilizer, and 5-years of maintenance including pruning, removing stakes, watering (if not irrigated) and mulch replenishment 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.

Commented [TE14]: Consider tying the fee in lieu to the same rate for planting extra ROW trees - \$600 for a conifer and \$500 for a deciduous tree – per 20.52.400 F.4. It'll keep the process smoother with less opportunity for negotiation.

Commented [TE15]: Is this maintenance until establishment? I suggest that it is, which should be specified as 5-years to comply with 20.52.140 A.5.

Commented [TE16]: Tree appraisal is used to provide a cost to replace an established tree not a replacement tree cost. I suggest deleting this.

20.52.340 Tree protection measures during construction.

A. Tree protection measures shall be implemented and maintained before and during all construction activities to ensure the preservation of significant trees that are planned to be retained. Tree protection measures shall be shown on grading and drainage plans, tree protection plans, and construction mitigation plans.

B. Tree protection measures shall include, but are not limited to, the following:

1. ~~Establish tree protection zones and install protective fencing at the drip line or other barriers that are at least four feet in height, except where tree protection zones are remote more than 25-feet from areas of land disturbance and construction access, and where approved by the director, alternative Alternative forms of tree protection may be used in lieu of tree protective fencing; provided, that the critical root zones of protected trees or stands of trees are clearly delineated and protected;~~
1. ~~Limit grading levels around subject trees to not raise or lower grades around subject trees within the larger of the following areas:~~
 - a. ~~The drip line area of the tree; or~~

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b.2. An area around the tree equal to one foot in diameter for each inch of tree diameter measured at DBH 54-inches above ground level;

3. Installation of a tree well, but only where necessary and only with pre-approval of the city;

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4. Designation of areas on site for parking, material and equipment storage, construction ingress and egress, and similar designated areas that do not negatively impact significant trees;

5. ~~Locate~~ Align trenches for utilities ~~that minimize negative effects on the tree root structure with provisions for filling the trenches with a suitable growing medium in the vicinity of the trees outside of tree protection area or specify directional boring launch and receiving pits outside of the tree protection area and depth of boring at least 4-feet below ground surface;~~

6. Employ measures to protect critical root systems from smothering and compaction with a combination of arborist mulch and/or weight dispersing plates;

7. ~~Implement~~ Detail a tree care program during construction to include ~~watering~~ irrigation, mulching, fertilizing, pruning and pest control; and

8. ~~Measures~~ Designate a location away from tree protection area for the disposal of potentially harmful items such as excess concrete, ~~polluted water runoff~~ temporary stormwater facilities, and other toxic materials.

C. The director may approve deviations to the tree protection measures set forth in subsection (B) of this section if the director determines that the deviation will provide equal or better tree protection than the required tree protection measure. (Ord. 923 § 28, 2015)

20.52.400 City tree removals.

A. This section sets forth the requirements applicable to all trees located on city-owned property and city rights-of-way.

B. General Provisions.

1. This section is intended to be of general application for the benefit of the public at large; it is not intended for the particular benefit of any individual person or group of persons other than the general public;

2. In addition to the limits set forth in MMC 20.52.020, no city tree shall be broken, injured, mutilated, killed, destroyed, pruned or removed unless authorized by the provisions of this section; and

3. The exemptions in MMC 20.52.030 apply to this section.

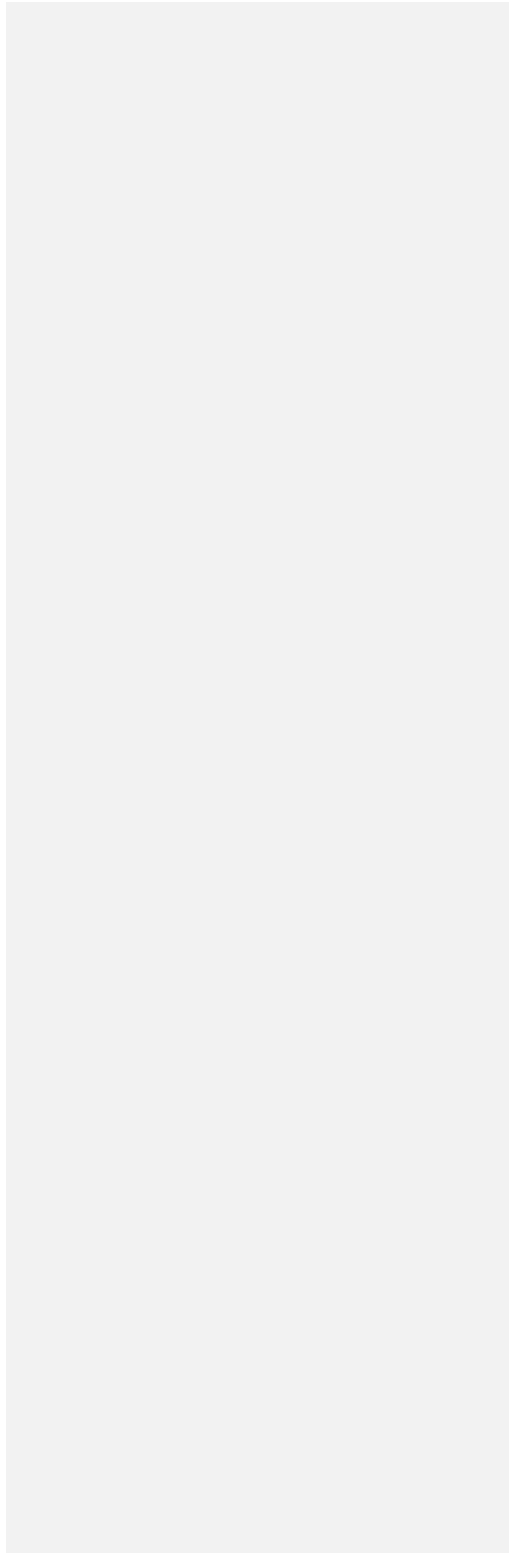
C. Pruning and trimming of city trees is permitted provided ANSI A300 standards, in their most recent form, are ~~followed~~ used in the work order specification and the trimming and pruning comply with the requirements for tree activity permits set forth in MMC 20.52.310.

Commented [TE17]: These are standard specifications. This is why I've suggested changing the verbiage to indicate using the standards in the work order.

D. Removal of a city tree located within an open or closed city right-of-way may be allowed for the following:

- 1. Hazard trees designated pursuant to MMC 20.52.200;
- 2. Nuisance trees designated pursuant to MMC 20.52.210;
- 3. Trees not suitable under utility lines, or in the city right-of-way, as prescribed in the "City

of Medina List of Suitable Tree Species”;



4. Any tree having less than a 10-inch diameter breast height size; and any trees not included on the “City of Medina Suitable Tree Species List” for the right-of-way having less than a 36-inch diameter breast height size;

5. Trees where pruning and trimming for utilities caused significant defects to the primary stem of the tree resulting in significant abnormal growth;

6. Trees where removal is necessary to allow vehicle access to a property;

7. Trees where removal is necessary to restore a view significantly obstructed by the tree provided ~~all of all~~ the following criteria are satisfied:

a. The owner of the adjoining property to the subject tree and the city both ~~accept allowance~~ approve in writing to have the tree removed;

b. The person claiming the view obstruction establishes the tree causes an unreasonable view obstruction using pictures to prove that the tree was previously not obstructing the view ~~the provisions established in MMC 18.16.040 through 18.16.080~~; and

c. The approval of a nonadministrative right-of-way activity permit is obtained pursuant to MMC 20.72.090.

Commented [TE18]: Do you want to allow a ROW tree to be removed if the owner wants to add or change the access to a property or do you want to specify that this vehicle access is only for undeveloped property or making a safety improvement to the driveway location of the property?

Commented [TE19]: No longer present in code.

E. Where subsection (D) of this section allows removal of a city tree, the following shall apply:

1. Removal of city trees, including hazard and nuisance trees, is permitted only if replacement trees are planted in accordance with the requirements in Table 20.52.400(E)(1), except as allowed otherwise by this section;

Table 20.52.400(E)(1) Replacement City Trees

	Diameter Breast Height of Removed Tree	Significant/Nonsignificant Tree Species	Tree Replacement
Each Tree (Include Nuisance Trees)	Less than 6 inches	All	None
	6 to 10 inches	All	Plant one tree
	Greater than 10 inches, but less than 24 inches	Nonsignificant	Plant one tree
		Significant	Plant two trees
	24 inches and larger	Nonsignificant	Plant two trees
Significant		Plant three trees	
Each Hazard Tree	6 to 10 inches	All	None
	Greater than 10 inches	All	Plant one tree

2. Replacement trees shall meet the following standards:

- a. To be eligible as a replacement tree, the tree species must be selected from the appropriate list in the “City of Medina List of Suitable Tree Species” established in MMC 20.52.050;
- b. Replacement trees shall be planted within the city right-of-way adjoining the subject lot;
- c. Each replacement 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. Replacement trees shall be planted in a manner of proper spacing and lighting that allows them to grow to maturity;
- e. At least one replacement city tree shall be of the same plant division (coniferous or deciduous) as the city tree removed;
- f. Approval to remove a city tree shall include conditions to make certain that replacement trees remain healthy and viable for at least five years after inspection by the city, including measures to replace those replacement trees that do not remain healthy and viable;

3. In addition to the requirement for replacement trees in subsections (E)(1) and (2) of this section, the public benefits lost due to the removal of the city tree shall be mitigated by paying a contribution to the Medina tree fund in accordance with the following:

- a. The contribution shall be determined by multiplying the diameter breast height inches of the tree removed (significant and nonsignificant tree species) by a rate of \$25.00;
- b. Where more than one city tree is removed, the contribution for each removed tree shall be added together to produce the total payment to the Medina tree fund;
- c. The contribution rate for a city tree designated a hazard pursuant to MMC 20.52.200 is zero;
- d. If removal of the city tree was not authorized by the city at the time of its removal, the contribution rates shall triple and be in addition to any other penalties that might apply;
- e. Unless a city tree qualifies for the emergency exemption pursuant to MMC 20.52.030(B), city trees removed before a hazard or nuisance determination is made by the city shall be presumed not to be a hazard or a nuisance.

F. The following planting requirements apply within the city right-of-way when a city tree is removed:

- 1. The maximum number of trees in the city right-of-way shall be one tree for each 17 feet of linear public street frontage, or one tree for each 300 square feet of plantable area within the city right-of-way, whichever is greater, adjoining the subject lot;

2. The director may increase the maximum number of city trees prescribed in subsection (F)(1) of this section, provided there is sufficient space in the city right-of-way adjoining the lot to accommodate the increase in city trees;

3. If the tree replacement requirements prescribed in subsection (E) of this section would result in the total number of city trees in the right-of-way to exceed the maximum prescribed in subsection (F)(1) or (2) of this section, an applicant shall contribute \$290.00 to the Medina tree fund for each replacement tree above the maximum in lieu of planting replacement trees above the maximum;

4. If the tree replacement requirements prescribed in subsection (E) of this section would result in the total number of city trees in the right-of-way to be below the maximum prescribed in subsection (F)(1) or (2) of this section, an applicant may plant additional trees in the right-of-way, subject to the limits in subsection (F)(1) or (2) of this section, and reduce contributions to the Medina tree fund by:

- a. Six hundred dollars for each coniferous tree planted;
- b. Five hundred dollars for each deciduous tree planted; and

5. New trees shall not be planted within three feet of the edge of any paved roadway.

G. The requirements of this section may be used to satisfy the requirements set forth in MMC 20.52.410.

H. Where a proposal includes application of this section and application of MMC 20.52.130 and/or 20.52.150, the requirements for supplemental trees and restoration trees shall be applied independent of the requirements in this section for replacement trees. (Ord. 958 § 3, 2018; Ord. 923 § 29, 2015)

20.52.410 Minimum street tree standards.

A. This section shall apply to properties adjoining the following city rights-of-way:

- 1. Minor arterial and collector street rights-of-way as defined in Chapter 10.08 MMC;
- 2. NE 8th Street;
- 3. 82nd Avenue NE between NE 8th Street and NE 12th Street;
- 4. 84th Avenue NE south of NE 12th Street; and
- 5. Evergreen Point Road north of 78th Place NE.

B. The following street tree standards shall apply when the lot adjoining the right-of-way is under development pursuant to MMC 20.52.100:

- 1. There shall be at least one city tree planted for each 300 square feet of plantable area within the city right-of-way adjoining the lot with a minimum of two trees planted; and
- 2. The new city trees planted shall have a minimum two-inch caliper with coniferous trees also having a minimum height of six feet at the time of final inspection; and

3. The requirements of this subsection may be satisfied with existing trees in the adjoining city right-of-way measured to the centerline; and

4. New city trees shall not be planted within three feet of the edge of any paved roadway; and

5. Trees shall be planted in an informal pattern to create a natural appearance.

C. The following exceptions shall apply:

1. Shrubs, trees and plantings within the required sight line areas at private drives, private lane outlets and street intersections shall not interfere with required sight distances;

2. The director may waive the requirements of this section if the right-of-way to be planted is planned for modification in the Medina capital improvements plan. (Ord. 923 § 30, 2015)

20.52.420 Owner responsibility within city rights-of-way.

A. All owners of property adjoining a city right-of-way shall be responsible for maintaining all trees, shrubs, and other landscaping planted in the adjoining right-of-way by the property owner or previous owner of the property, or for which responsibility has been assumed by the owner through a recorded agreement with the city.

B. All owners of the property adjoining a city right-of-way shall ensure the trees, shrubs and landscaping in the right-of-way adjoining their property do not interfere with the free passage of vehicles and pedestrians or cause any risk of danger to the public or property.

C. No hazardous or destructive tree species shall be planted in the city rights-of-way. The city shall maintain a list of suitable trees that are acceptable to be planted in city rights-of-way consistent with MMC 20.52.050.

D. The requirements of this section shall apply equally to the city rights-of-way whether the city's title to the right-of-way was obtained by dedication, condemnation, deed or in any other manner.

E. For the purpose of this chapter, an owner shall be considered adjoining up to the centerline of the city right-of-way. (Ord. 923 § 31, 2015)

20.52.500 Liability.

Consistent with MMC 20.10.070, nothing contained in this chapter shall be construed or form the basis for any liability on the part of the city, or its officers, agents, consultants or employees, for any injury or damage resulting from any person's failure to comply with the provisions of this chapter or by reason of or in consequence of any act or omission in connection with the implementation of or enforcement of this chapter. (Ord. 923 § 32, 2015)

20.52.510 Other general provisions.

A. Implementation and Costs.

1. All costs associated with trimming and removal of trees shall be the responsibility of the applicant or property owner; and

2. Any tree trimming or removal governed by this chapter shall be performed by a state of Washington licensed tree service contractor, bonded and insured for the liabilities associated with tree removal.

B. Survey. The city may require as a condition of approving a tree removal permit that the applicant obtain a survey by a state of Washington licensed surveyor to determine if the trees described in the application are located on the subject property, or if a tree is located within a city right-of-way.

C. Supplemental Notice. The following shall supplement noticing requirements set forth in MMC 20.80.140(A) when applied to tree activity permits:

1. Notice shall be posted on or near the subject tree or trees in a manner that clearly identifies all trees being considered under the application;
2. The director may approve the use of a variety of reasonable methods to identify trees provided the methods clearly identify all trees being considered under the application; and
3. The director may require additional notices to be posted when, in the opinion of the director, it is determined necessary to provide reasonable notification to the public of a pending application.

D. Limitations on Occupancy. A certificate of occupancy shall not be issued until all required tree plantings and landscaping associated with this chapter is complete and receives final approval from the city. Temporary occupancy may be granted pursuant to MMC 20.40.100 before completion of the tree planting and landscaping work provided all of the following criteria are satisfied:

1. The property owner provides a financial guarantee to the city to ensure completion of the tree planting and landscaping;
2. The financial guarantee may take the form of a bond, line of credit, cash deposit, or another form acceptable to the city;
3. The minimum amount of the financial guarantee shall be 150 percent of the estimated cost of landscaping and required tree plantings not completed at the time of the inspection; and
4. Terms of the financial guarantee shall include, but are not limited to, conditions for approving the financial guarantee, a timeframe for the work to be completed, and terms under which the city shall release the financial guarantee.

E. View and Sunlight Obstructions Caused by Trees. Pursuant to MMC ~~18.16.040~~14.08, unreasonable obstructions of views or sunlight by uncontrolled growth or maintenance of trees may constitute a private nuisance subject to redress as set forth in Chapter ~~18.16~~14.08 MMC. (Ord. 923 § 33, 2015)

Commented [TE20]: In my opinion, this is unnecessary – all owners want to finish the landscaping and this just creates more work for the City and PM to do when we want the PM to focus on finishing the house. I suggest adding a stick – a financial penalty of \$600 per conifer and \$500 per deciduous tree (per 20.52.400 F) to be planted as supplemental trees as a contribution the Medina Tree Fund prior to granting a Temporary Occupancy with an un-finaled tree permit.

I request that these comments be considered as part of the Planning Commission public hearing scheduled for October 19, 2021.

It is well documented that the Tree Code Update 2021 (Tree Management Code Chapter 20.52) is intended for new construction. The term "new construction" is used numerous times in various city documents, social media, and in the open house. During the Open House, Commissioner Nelson requested that I inform the Planning Commission of language that I believe causes the proposed tree code to affect properties other than new construction.

A. AFFECTS MORE THAN NEW CONSTRUCTION ISSUE (INFORMATION REQUESTED BY COMMISSIONER NELSON)

If the Commission adopts proposed tree code changes discussed at the Open House, I urge the Commission to modify the code such that it does not affect properties not under development.

1. Diagram 20.52.040 Delete "Landmark" of the box "Is the tree a legacy or landmark tree.
2. 20.52.120 Keep the same without any of the proposed changes and remove all redlined (added text). Then create a new section 20.52.121 which introduces a term "New Construction Legacy Tree". The language in the red line version of 20.52.120 would then be copied to this new 20.52.121 except the term "New Construction Legacy Tree (NCLGT)" would be used as well as "New Construction Landmark Tree (NCLMT)". The purpose of a separate 20.52.120 and 20.52.121 is so that there will be no change to properties not under development.
3. 20.52.100(A)(4) should be modified, replacing "500 square feet or 15 percent" to "1500 square or 50 percent". The rationale is that if one wants to add only a modest garage and a room, they should not be considered to meet the standards required of constructing a large house.

I know of a Medina resident (initials D.D.) who has a very modest house and no garage. If that resident were to build simply a one car garage, the property would be subject to onerous property under development tree regulations. Should he be punished with bureaucratic complexity for simply building a one car garage when many Medina residents already have 2 or 3 car garages?

It is conceivable that an elderly Medina resident may need to build a handicapped accessible bathroom and adjacent bedroom. Such modest addition could trigger onerous compliance under development tree regulations.

The needs of elderly Medina residents are not merely theoretical. I had a neighbor (initials A.B.) who moved from Medina to downtown Bellevue as a result of circumstances related to the tree code. His easement driveway was narrow and constricted because of a tree that could not be cut down because the then Director (no longer with the City of Medina) determined that there was no threat to life. The tree had,

a few weeks earlier, prevented an ambulance from accessing his property during a medical emergency. His wife expressed to me concern that he could die the next time an ambulance was needed and was unable to pass. The elderly man later cited his age and infirmity as the reason for his moving from Medina. The Bellevue Fire Department wrote a letter to the city to confirm the inability to access due to an offending tree.

B. EVIDENCE DOES NOT SUPPORT NEED FOR TREE CODE CHANGES

The stated purpose of the Tree Code Update 2021 is described in a September 21, 2021 memorandum from city staff to the city council found at <https://mccmeetingspublic.blob.core.usgovcloudapi.net/medinawa-meet-fa4d819369294bdcafa55c4798af82a6/ITEM-Attachment-001-653714c88a2e48e4adc59e45f5289208.pdf>.

This document states *"In 2020, a handful of redevelopment projects caused a visceral reaction from the community. These redevelopments appeared to be able to cut down a significant number of trees which gave the land a stark, clear-cut appearance."* (see p. 1 of 121, background).

Stephanie Keyser, ACIP, Planning Manager kindly responded to a request to identify these projects. The identified projects are located at 1818 77th Ave NE, 2019 79th Ave NE and 707 Overlake Drive East. Construction on the first property appears to have been completed. The latter two properties are currently under construction. It is useful to evaluate these three properties because they are the fundamental basis for Tree Code Update 2021 as stated in documents authored by the city.

1818 77th Avenue NE

Attached are photographs of the property in 2011 (source: Google Street View, date of image at the bottom) and October 2021. The current new house is significantly more attractive than the previous property. The current landscaping is very well kept and attractive as compared to 2011. When facing the front door, the current house has large trees to the right and to the left as well as in front of the house. It is unreasonable to consider this property as clear cutting of trees. In short, it is a beautiful house and property. This property is an improvement to the city and evidence that there is not a need for a stricter tree code.



The detailed landscaping is also situated behind the sidewalk and in front of the entire house.



Foreground, background, and most trees to the photo's right in the subject property.



Note that neighboring property to the left lacks the tall trees of subject property



Google Street View of the old house. It is a small house out of character from its neighbors.

2019 79th Ave NE

The house is currently under construction. The previous house was in poor shape with visibly broken driveway pavement, overgrown vegetation, and a house which is significantly smaller and more spartan than the average house in Medina and in that city block. In view of the house being under construction and in an early stage of construction, it is not possible to judge the aesthetics of the house or future landscaping. However, the current state of trees is compatible with its neighbors. Attached are photographs of houses that are neighboring properties or across the street. All of them have approximately the same tree canopy appearance as the subject property, 2019 79th Ave NE. Some may consider the property's condition prior to construction as an eyesore, overgrown with trees, and not in character with the neighborhood. If that is the case, this construction is an improvement to the city and not evidence of a need for a stricter tree code.



subject property.



next door neighbor. Trees on the left mostly belong to the subject property, not this house.



directly across the street from the subject property. This property has essentially no trees in front. These two properties demonstrate that the subject property has the same visual character, if not more visible trees.

707 Overlake Drive East

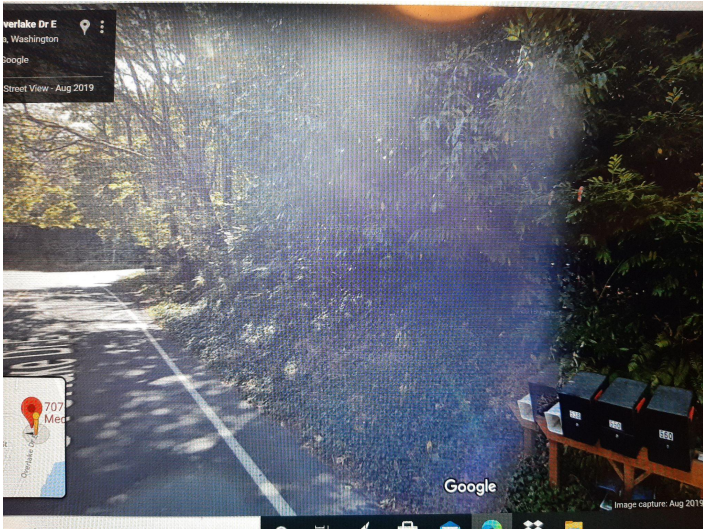
Attached are photographs of the property in 2019 (source: Google Street View, date of image at the bottom) and October 2021. In view of the house being under construction and in an early stage of construction, it is not possible to judge the aesthetics of the house or future landscaping. However, the current state of trees viewing from Overlake Drive East remains forested (compare pre-construction Google Street View versus October 2021 where it appears that all trees have been retained). Furthermore, attached is a photograph of the property's next door neighbor. The neighboring property is attractive but has far less vegetation and trees than the subject property, 707 Overlake Drive East. This construction shows that the property is

compatible and more heavily forested than the neighboring property and not evidence of a need for a stricter tree code.



Subject property. Street is Overlake Drive

East. 707 mailbox (white) is on the left.



Historical photo from Google Street View

from almost identical angle. White mail box of the 707 Overlake Drive East property is to the left but difficult to see.



Some of the trees in the photo belong to the 707 subject property. This is the neighbor of 707. The street frontage does not compare with the street frontage of the 707 Overlake Drive East property (which was the subject to a complaint causing Tree Update 2021 to be written).

Conclusion

Despite the statement that "(t)hese redevelopments appeared to be able to cut down a significant number of trees which gave the land a stark, clearcut appearance." (see p. 1 of 121, background, 9/21/2021 city memo)., the above description and photographs of the three properties in question do NOT document a stark clear cut appearance that is inconsistent with its neighbors.

In the only example where construction has been completed, the property is very attractive, both in the house, landscaping, and trees. For this reason, I urge the Planning Commission to request that the City Council allow the Commission to temporarily cease work on the Tree Code Update 2021 and consider that no update is needed. Even more productive would be a temporary one year suspension of the tree code as it relates to development, which could provide evidence whether a tree code should even exist. In the worst possible scenario, the amount of construction in one year would not change the character of the city but could provide valuable guidance and direction.

C. ALTERNATIVES TO TREE CODE UPDATE 2021 (or alternatives to conclusion of Section B.)

The Tree Code Update does not specify where significant trees should be located on properties under development that are new construction. Medina residents who view houses typically view them from the street, not from an airplane or trespassing in the backyard. In view of this behavior, it is likely that Tree Code Update 2021 will not end occasional tree complaints to the city.

Therefore, consider replacing the complex performance requirements of Tree Code Update 2021 with a MMC 20.52.122 reading along the lines of:

“All properties under development which consist of predominantly construction of a new structure or 50% or greater expansion of an existing structure shall have two significant trees situated between the structure and the public road. If the frontage of the property along the public road exceeds 75 feet, three significant trees shall be situated between the structure and the public road and one additional significant tree for each 50 feet in excess of 125 feet of public road frontage. If the distance between the structure and the public road is less than 40 feet, non-significant trees or bushes may be planted in lieu of significant trees.”

D. ADDITIONAL CONSIDERATIONS

Excessive time for tree permits

In the agenda packet, there are two projects where the application date and approval date is disclosed. In both cases, approval took between 6 and 7.5 months to approve. (p. 83 of 121, 9/25/2019 received and 5/7/2020 approved; p. 112 of 121, 1/29/2020 received and 7/30/2020 approved).

Consider adding a provision to Tree Code Update 2021 along the lines of:

MMC 20.52.126 If tree permits for properties under development exceed an average of eight weeks between the date of submission of a complete application for permit and the date of approval based on the average of all tree permits for properties under development for a two calendar year period, the city shall complete a study within six months to reduce the complexity of tree regulations.

Safety concerns and mathematical re-calculations

1. There are currently no provisions in the tree code for extremely tall trees. If the height limitation of a house is 36 feet, consideration should be given to whether trees greater than 72 feet are not desirable or are more hazardous. A good tree plan would be where residents continually cut and replant trees. Historically, Medina was completely harvested for lumber more than 100 years ago, which improved public safety. Eventually, Medina should re-harvest trees, albeit on a careful and staggered timetable. Trees might be like long hair. Long hair can be attractive but can become too long at a certain point.



(credit: SBS TV, Australia)

2. During the Open House, there were comments about no consideration given to how much space is needed for tree roots of a mature tree. There is a danger that increased tree requirements may result in difficulty in compliance despite good faith efforts by homeowners.

If a 10,000 sq. ft. property may have 55% impervious surface, that leaves 4,500 sq. ft. remaining. If it is deemed that trees should not be closer than 20 feet from the house to prevent damage to the foundation and/or sewage system and/or tree roots, this may reduce the amount of land for trees to 3,000 sq. ft. If 4 significant tree units result in 8 trees and if each tree should have a 20 ft. x 20 ft. space for proper tree root growth, this results in needing 3,200 sq. ft. One should note that earlier in the calculator, only 3,000 sq. ft. is available. Furthermore, there may be no more room for any other yard use, such as vegetable planting or recreational use.

3. There was no explanation during the Tree Code Open House as to the rationale for selecting an increased tree density ratio in proposed Table 20.52.130(B) from 0.35 to 0.40. In particular, at 0.40, the tree density ratio for residential properties approaches that of city parks, which is 0.42. There is no explanation to why the residential properties should have an almost identical tree density as city parks. The Planning Commission may consider whether all properties should be required to meet a tree density of 0.36 with the exception of city parks, which might be increased to 0.60



MEDINA, WASHINGTON

AGENDA BILL

Tuesday, October 19, 2021

Subject: 2021-2023 Planning Commission Work Plan

Category: Discussion

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

Summary Every year, in collaboration with Planning Commission and staff, the City Council adopts a work plan that identifies a set of issues for Planning Commission to advise Council on. To provide a comprehensive snapshot, the work plan includes tasks that are currently being worked on, the subsequent issues that will be discussed, and the timing of the City's next mandated updates. Where it makes sense, as Planning Commission works through the plan, related and overlapped topics will be combined to better inform the synthesis of analysis or code update.

Although adopted yearly, the work plan should be thought of as a dynamic document that can and will be changed as needed if priorities shift or new legislation requires action by the city. At the October 11th City Council meeting, the 2021-2023 Planning Commission work plan was approved. There were no changes from what was presented during the joint meeting in September.

Attachment(s) 2021-2023 Planning Commission Work Plan

Budget/Fiscal Impact: N/A

Recommendation: N/A

City Manager Approval: N/A

Proposed Council Motion: N/A

Time Estimate: 10 minutes

TASK	ORIGIN/RANKING	% Complete	Start	Due/End Date
FUTURE POLICIES, PLANS & REGULATIONS				
<i>Shoreline Master Program (SMP) periodic review - Mandatory</i>	<i>Staff/Begin 2026</i>		<i>2026</i>	<i>Next update due 2028</i>
ENVIRONMENTAL/SUSTAINABILITY				
Tree Code Regulations (<i>Limited Scope</i> : Focus on new construction/redevelopment)	CC/1	85%	Oct. 2020	PC Public Hearing - Oct. 19; CC Public Hearing - Nov. 8; CC tentative adoption Dec. 13
Tree Code Enforcement - re: survival of supplemental trees	PC, CC/2		Summer 2021	Dec-21
POLICIES, PLANS & REGULATIONS				
Permanent Supportive and Transitional Housing	Staff/3		Oct./Nov. 2021	Feb-22
Comprehensive Plan Periodic Review - Mandatory	Staff, CC/4		Dec. 2021	June 30 2024
BULK REGULATIONS				
Alternatives to Original Grade	Staff, PC/5		Early 2022	2022
Analysis and strategic review of commuter parking	Staff, CC/6		2023	2023

Item	Description	Requests to Staff	Outside experts/ consultants needed	Deliverable	Timing and budget notes
Future Tasks - Mandatory Deadline					
Shoreline Master Program Period Review	This task involves updating the Shoreline Master Program (SMP), which manages shoreline resources and development in Medina, to comply with the Shoreline Management Act, State Shoreline Master Program Guidelines and best practices for shoreline protection. Update to ensure consistency between the SMP and the rest of Medina's Code.	Anticipated start should be no later than 2026 to meet 2028 deadline.	Yes	Update SMP to be compliant with changes in the laws, rules and applicable updated guidance that has been adopted since 2019.	Next mandated update is due in 2028. Suggested start <u>no later</u> than 2026.
Current Working Tasks					
ENVIRONMENT					
Tree Code Regulations					
1. Review tree retention and replacement requirements for new single-family construction (land under development)	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.	Staff: The first step will be to examine the retention and replacement requirements for lots undergoing redevelopment.	We will be utilizing our existing consultants to help with this	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 Public Hearing - Oct. 19; CC Public Hearing - Nov. 8; CC tentative adoption Dec. 13
2. Review the enforcement part of the tree code, specifically as it relates to the survival of supplemental trees	Although the tree code requires supplemental trees to survive for five years after planting, there is currently not a process that oversees this. Coupled with homeowner turnover, supplemental trees are often unknowingly cut down (due to their small size) or left to die. This task would consider ways to ensure the survival and/or tracking of supplemental trees by examining what other cities do and ensuring that whatever is proposed can be funded (if applicable) and enforced.	Staff: The first step will be to examine how surrounding cities utilize tree code enforcement.	We will be utilizing our existing consultants to help with this	The initial deliverable from PC to CC would be a high-level recommendation regarding implementing tree code enforcement for supplemental trees.	Anticipated PC recommendation by December 2021 or January 2022
WA LAW / MANDATORY					
Updates to WA Law					
3. Permanent supportive and transitional housing	The legislature has mandated that in every zoning district where single-family residential is permitted (in Medina that's every zoning district), cities now must allow permanent supportive and transitional housing. Although these cannot be prevented from coming into the city, there are certain guard rails that the city may adopt to limit potential impacts.	Staff: The scope of what the city can do is limited, however some cities have already adopted provisions that we can similarly consider.	Staff will work with the city attorney	The deliverable will be a proposed amendment to the code that includes an update to the use table, new definitions, and additional minor requirements.	Anticipated recommendation by February 2022 at the latest
Periodic Review (Mandatory)					

<p>4. Comprehensive Plan 2024 Periodic Review</p>	<p>This will be a total update of the existing Comprehensive Plan and will require coordination between Council, Planning Commission, Park Board, and residents. The process will include on-going public participation opportunities and outreach with the goal of hearing from as many stakeholders as possible. Comp Plan updates are a lengthy process which is why we will be starting early.</p>	<p>Staff: This will involve broad reaching public participation that includes Medina's residential and non-residential stakeholders as well as coordination between Council, Planning Commission, and Park Board.</p>	<p>Yes</p>	<p>The deliverable will be a user-friendly document that will include a community vision statement and serve as a roadmap for development in the city over the next twenty years (there are periodic updates mandated to the Comp Plan every 8 years).</p>	<p>Comp Plan grants are anticipated to open up in the summer of 2022. In the meantime, the city has applied for a Housing Action Plan which will cover a portion of the requirements of the Comp Plan Housing Element. The Comp Plan is due by June 30, 2024</p>
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MISCELLANEOUS

<p>5. Alternatives to Original Grade</p>	<p>Medina measures height from original grade. This is an imperfect process that requires a Geotech to take samples of the earth and analyze them to determine where on the lot original grade is. Because this is an imperfect science, different experts can reach different determinations of original grade. Over the years the conversation of finding an alternative to original grade has been discussed, most recently while Planning Commission was discussing bulk. This work plan item would be a study of the methods surrounding cities use to measure height by taking previously submitted applications from lots of varying topographies throughout the city and determining what the maximum height would be.</p>	<p>Staff: This would be a study of the methods surrounding cities use to measure height. The analysis will include taking previously submitted applications from lots of varying topographies throughout the city and determining what the maximum height would be under these alternative methods.</p>	<p>We will utilize our existing consultants to help with this</p>	<p>The deliverable will be a suggested update to the method for measuring height.</p>	<p>Begin early 2022</p>
<p>6. Analysis and strategic review of commuter parking</p>	<p>This would be a review of the impacts that commuter parking (both to utilize the 520 park-n-ride and to park-and-bike) has on surrounding neighborhoods; specifically going block-by-block to analyze the impacts the increased vehicle traffic is having on the neighborhoods.</p>	<p>Staff: This analysis would involve establishing an impacted buffer and conducting the analysis inside of that buffer over multiple days/weeks and multiple times of day</p>	<p>The study itself would be 100% consultant driven; proposed amendments to the code once the study was finished would be done by Planning Commission</p>	<p>The initial deliverable would be a study/report outlining the impacts that commuter parking has on the surrounding neighborhoods.</p>	<p>Begin 2023 pending available funding</p>



MEDINA, WASHINGTON

AGENDA BILL

Tuesday, October 19, 2021

Subject: Tree Code Enforcement – Supplemental Trees

Category: Discussion

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

Summary

In July, Planning Commission received direction from Council to consider the enforcement piece of the tree code, specifically as it relates to the survival of supplemental tree plantings. Although the code does require supplemental trees to be healthy for at least five years after planting, there is currently no mechanism to follow up on their survival.

This memo continues the discussion from September and includes the number of tree permits the city has received over the past five years, thoughts on deposits vs. bonds, access and monitoring, a recommendation on supplemental tree identification, and the city examples from last month.

Attachment(s) Tree Code Enforcement – Supplemental Trees

Budget/Fiscal Impact: N/A

Recommendation: N/A

City Manager Approval: N/A

Proposed Commission Motion: N/A

Time Estimate: 30 minutes



CITY OF MEDINA

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MEMORANDUM

DATE: October 19, 2021

TO: Medina Planning Commission

FROM: Stephanie Keyser, AICP, Planning Manager

RE: Tree Code Enforcement – Supplemental Trees

In July, Planning Commission received direction from Council to consider the enforcement piece of the tree code, specifically as it relates to the survival of supplemental tree plantings. Although the code does require supplemental trees to be healthy for at least five years after planting, there is currently no mechanism to follow up on their survival.

Potential problems include:

- How to determine which trees on site are supplemental so that the city can be sure those trees are surviving? As built? Tags?
- How to ensure future property owners know what trees on site are supplemental and need to be retained? Notice on title?
- How to ensure the city can gain access to the property to ensure and enforce the survival requirements? Gaining access to properties has been challenging as the city has had to implement a new stormwater management system this past year.
- How to administer and enforce such a program? Will this require an additional full-time employee? Will this require the hiring of a consultant?

Potential solutions that have been discussed include:

- Require an as-built once construction has been completed but before the project is finalized, that identifies all supplemental trees by species and location.
- Require as-builts to be recorded on title with an agreement and acknowledgement that the trees need to be retained so that all future owners are aware of this
- Educational outreach to residents of new program requirements
- Increase the permit fee and/or require a deposit that will cover the cost of the city having to administer this program

Total Tree Permits

At the September meeting, it was asked for Staff to return with the number of tree permits that the city has received/issued over the past few years. There are six different kinds of permits: tree

administrative right-of-way removal; tree non-administrative right-of-way removal; hazard tree removal; tree performance; tree restoration; tree with building/development. The table below includes the permits from 2016 to October 13, 2021. Incomplete or withdrawn applications have not been included.

Year	# of Tree Permits
2021	56 (as of 10/13/2021)
2020	81
2019	80
2018	45
2017	58
2016	57

Deposit vs. Bond

Although most cities accepted both a deposit and a bond in the examples we looked at in September, if we are having the city arborist continue to do billable work for five years after a project is finalized, it seems that a deposit would be the appropriate mechanism.

Access and Monitoring

This is a reminder that whatever enforcement or monitoring system is established, it will be effective for future tree permits. This means that whenever someone comes in for a pre-application meeting, or when the city arborist meets with a property owner on site, those are opportunities to reinforce the educational piece. Making applicants aware of a monitoring-for-survival program will hopefully help with compliance.

We have discussed the city sending a staff member to inspect the supplemental tree(s) after the project is completed. Another option could be to allow homeowners to ‘recertify’ themselves by submitting a mini arborist report with pictures (if this is offered the city should create its own form/template). It should be discussed if it is appropriate to allow this for the entire monitoring period. For example, if we decide to require recertification in years 1, 3 and 5, perhaps allowing a homeowner to submit the certification themselves during years 1 and 3, however making it a requirement that staff confirms survival in the last year.

The actual logistics of setting up a monitoring program are beyond Planning Commission’s authority. However, the easiest way to track something like this would be in our permitting system and would be similar to the report for expiring permits. Due dates can be established, monthly reports can be run, and reminder letters and emails can be sent.

Supplemental Tree Identification

To help move the conversation along, staff recommends the following be included in the recommendation package:

Mapping Platform

The city should invest in a platform that will enable staff to map the trees on site when a tree permit is submitted. A broad benefit of a tool like this would be the beginning of a parcel-by-parcel comprehensive tracking of the tree activity in the city. This would not only include the supplemental trees, but we would be able to identify those lots that had Legacy and Landmark trees rather than just speculating. This information would be valuable for staff to relay to the public when a property went on the market. In addition to requiring a notice on title, letting a realtor or potential buyer know up front that a site has supplemental trees that must survive and then being able to print out a map that shows them where they are located would be beneficial.

Notice on Title

The city should require applicants put a notice on title for the supplemental trees. This is the only way to truly ensure that if a property changes owners, that the new owner will at least be made aware that certain trees on their new property cannot be removed or let die.

Tree Tags

As part of the final inspection, the city arborist should attach a tag onto the supplemental trees (if applicable). This will be an identifier for staff during the monitoring period as well as the homeowner.

Examples

These are the same examples that were in September’s packet.

City of Duval

Maintenance.

- A. Any existing retained tree or supplemental tree shown on an approved tree retention plan, and any other tree required by the City to be planted, shall be maintained in healthy condition by the property owner or homeowners association for a period of five (5) years following issuance of the certificate of occupancy for the individual lot or development. After five (5) years, all trees on the property are subject to DMC 14.40.030.

- 1. Trees shall be monitored and maintained for a period of five (5) years to ensure that retained trees were not compromised by adjacent development and that supplemental, replacement, and transplanted trees are surviving. The director may extent the monitoring and maintenance period beyond five (5) years if determined necessary to ensure successful establishment of supplemental and replacement trees.

2. During years 1, 3, and 5 of the monitoring period, trees shall be monitored by a qualified arborist and reports submitted to the City that verify the health of all trees on the approved tree retention plan.
 3. Any tree found to be dead or dying shall be replaced by tree(s) that, at minimum, replace the tree's density credit.
 4. Any tree found to be unhealthy shall be assessed for opportunity for preventative measures to improve tree health, and shall be identified for additional review in future years of the monitoring period. Reasonable preventative measures to improve tree health, as recommended by a qualified professional arborist, shall be implemented as annual maintenance. For trees found to be unhealthy in year 5 of the monitoring period, the director may require additional supplemental planting based on review of monitoring information submitted by the property owner / home owner's association.
- B. Maintenance Bond for New Development Sites. A maintenance bond, cash deposit, or other security in a form acceptable to the City attorney covering ten (10) percent of the cost of the performance assurance bond amount established for all site landscaping per DMC Chapter 14.38, shall be in place prior to the release of a performance bond and shall be required to be held by the City for five years following issuance of building occupancy permit for the development site.
1. The director is authorized to notify the owner of any property upon which trees were retained or supplemental trees were planted as a condition of approval under this chapter that trees are not being adequately maintained, and the specific nature of such failure to maintain. The notice shall specify a date by which the property owner shall be expected to comply.
 2. Upon the failure to perform the required maintenance within the date specified by the notice, the director is authorized to collect funds under the maintenance bond or other security, and cause the required maintenance to be completed.
 3. When funds have not been set aside or the performance assurance has expired, the director is authorized to request the city attorney to institute legal action to recover the cost of the required maintenance, and upon receipt of the funds to cause the maintenance to be done.
 4. Maintenance as used in this section includes replacement of dead, diseased or damaged trees, preventative measures to improve health of unhealthy trees, and repair of irrigation systems.
 5. In subdivisions or site plans where the right-of-way contains retained or supplemental trees, the adjacent property owner, homeowner's association or like mechanism, is required to maintain that landscaping. Such requirement shall be noted on the face of the plat or site plan. If there are such requirements that are maintained by an organization

other than the adjacent homeowner, or if there are common areas on a property, a homeowner's association is required.

C. Cutting and Pruning.

1. Protected trees shall not be topped; any tree topping shall result in requirements for replacement tree(s) and fines, as determined consistent with 14.40.100 and review of the tree topping activity by the director.
2. Street trees, on all public streets, shall be cut or pruned only under the supervision of, or with the approval of, the city of Duvall public works department.
3. Pruning and maintenance of protected trees shall be consistent with best management practices in the field of arboriculture and further the long-term health of the tree.

City of Redmond

Performance Assurance.

To mitigate damages should they occur as a result of unauthorized tree removal, the applicant shall submit a bond, letter of credit or other means of assurance acceptable to the Administrator. The following provisions shall apply to such performance assurance:

(1) Tree Protection Assurance. The applicant shall post a performance bond or other acceptable security device to ensure the installation, maintenance and adequate performance of tree protection measures. The amount of this bond shall equal 150 percent of the City's estimated cost of replacing each protected tree. The estimated cost per tree shall be the tree base fee established by City Council. Prior to issuance of the certificate of occupancy, any protected tree found to be irreparably damaged, severely stressed or dying shall be replaced according to the standards identified under RCDG 20D.80.20-130(1), Remediation. The bonding period shall be five years. The Administrator may release all or part of the bond prior to the conclusion of the bonding period if the applicant demonstrates that the requirements of this section have been satisfied and there is evidence that the protected trees will survive.

(2) Tree Maintenance Assurance. Where replacement trees are required pursuant to this section, the applicant shall post a replacement tree maintenance bond or other acceptable security device to ensure the survival of replacement trees. The amount of the maintenance bond shall equal 150 percent the cost of plant material, periodic fertilizing and pruning, and labor until tree survival is ensured. Where possible, the bond may be combined with the landscape maintenance bond, required by Chapter 20D.80.10 RCDG, Landscaping and Natural Screening, which shall include a security covering 10 percent of the cost of the remaining plant materials. In the event a required replacement tree becomes irreparably damaged, severely stressed or dies, the tree shall be replaced according to the standards in RCDG 20D.80.20-080, Tree Replacement. Replacement trees damaged due to natural disasters such as wind storms, hail, ice or snow storms, earthquakes and the like shall be exempt from replacement. The bonding period shall be

three years. The Administrator may release all or part of the bond prior to the conclusion of the bonding period if the applicant demonstrates that the requirements of this section have been satisfied and there is evidence that the replacement trees will survive.

- (3) The required assurances shall be submitted prior to issuance of a tree removal permit.
- (4) The applicant shall provide an estimate of the costs associated with the required performance bond or other security as described above. In lieu of an applicant's estimate, the performance assurance shall be equal to City Staff's best estimate of possible costs to meet the above requirements. In no case shall the performance assurance exceed an amount equal to two and one-half times the current cost of replacing the plants in accordance with RCDG 20D.80.20-080, Tree Replacement.
- (5) The performance assurances shall not be fully released without final inspection and approval of completed work by the City, submittal of any post-construction evaluations or following any prescribed trial maintenance period required in the permit.
- (6) Performance assurances provided in accordance with this section may be redeemed in whole or in part by the City of Redmond upon determination by the Administrator that the applicant has failed to fully comply with approved plans and/or conditions.

City of Issaquah

Maintenance – Landscape bond required and tree maintenance.

A. Landscape Bond Required and Procedures:

1. All landscapes need to be maintained in a safe, healthy and attractive manner in perpetuity. All existing landscapes within the City shall also be kept weed and litter free and the plant material shall be maintained in good growing condition. The property owner shall replace any unhealthy or dead plant materials in conformance with the approved landscape plans and shall maintain all landscape material. The property owner is the responsible entity to ensure the landscaping is maintained in an appropriate manner, regardless of any second party landscape maintenance agreements.
2. To insure that all plant material used in landscapes shall be maintained in a healthy growing condition, a cash deposit or other acceptable security worth fifty (50) percent of the value of the landscaped plant material, cost of labor, irrigation and materials shall be posted with the City prior to receipt of a temporary or final Certificate of Occupancy. The cash deposit will be returned in three (3) years if the plants remain in a healthy growing condition and have achieved full coverage (replacement of all plants will not be required if full coverage has been met). The Planning Director/Manager may accept other suitable security as permitted in Chapter 18.04 IMC, Procedures.
3. If any portion of the required landscaping dies within three (3) years, the City shall notify the property owner, in writing, and require replacement within sixty (60) days. If the landscape is

not replaced within the specified time period, the City may use whatever portion of the deposit is needed to replace the dead landscaping. The City may use either City employees or private contractors to replace the landscaping, and may assess the property owner all actual costs against the deposit, if it is sufficient. An additional three (3) year cash deposit or other security device at fifty (50) percent of the value of the landscaping may be required at the discretion of the Planning Director/Manager if a significant amount of the plants need to be replaced.

4. Regular maintenance procedures shall be as follows:

- a. Litter pickup;
- b. Mowing turf;
- c. Edging turf;
- d. Weeding planting beds;
- e. Sweeping;
- f. Irrigation;
- g. Fertilization as needed per manufacturer's specifications to keep plants healthy and actively growing;
- h. All mulches used in planter beds shall be kept at least six (6) inches away from the crown of shrubs and trees;
- i. Pruning to required heights and widths; and
- j. Pest and disease control (all chemical products and application methods shall be approved by the City Parks Department).

5. It is recognized that these procedures may vary due to weather conditions, seasonal events, etc. The above guidelines are to serve as a standard for normal maintenance operations.

B. Tree Maintenance: The following regulations shall apply to all significant and protected trees. The City Arborist is authorized to make adjustments to the standards and requirements on a case-by-case basis using best professional judgment.

1. An irrigation method, approved by the City, shall be provided to all newly planted protected trees through an establishment period.
2. All pruning shall be done to the most recent ANSI standards (A300-1995 and Z133.1-1994). Canopy raising, canopy cleaning, and canopy thinning as defined in IMC 18.12.030, Definitions, are permitted; provided, that they do not meet the definition of excessive pruning in IMC 18.12.030, Definitions. No permit shall be required for maintenance pruning.

3. Tree topping is prohibited, except under the following circumstances:
 - a. Branches interfering with utility lines.
 - b. Significant canopy dieback has occurred.
 - c. Storm damage or prior incorrect pruning requires correction.

If illegal tree topping has occurred, the property owner shall have a certified arborist develop and implement a five (5) year pruning schedule in addition to monetary fines and required tree replacement.