



## Memorandum

**Date:** 6/7/2022  
**Meeting of:** City Council

**File No.** AM No. 22-081  
**Type:** Consent Item

**TO:** Members of the City Council  
**FROM:** Mayor Angela Birney  
**DEPARTMENT DIRECTOR CONTACT(S):**

Planning and Community Development	Carol V. Helland	425-556-2170
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**DEPARTMENT STAFF:**

Planning and Community Development	Seraphie Allen	Deputy Director
Planning and Community Development	Sarah Pyle	Planning Manager
Planning and Community Development	Cathy Beam, AICP	Principal Planner

**TITLE:**

Approval of the Tree Regulations Update to the Redmond Zoning Code (LAND-2021-00016)

- a. Ordinance No. 3080: An Ordinance of the City of Redmond, Washington Amending Article IV and Article VII of the Redmond Zoning Code to Implement Updates to RZC 21.72, Tree Regulations and RZC 21.78, Definitions; and Amending Redmond Municipal Code Chapter 1.14, Enforcement and Penalties, for Consistency with and to Supplement the Enforcement Section of the Tree Regulations; Providing for Severability, Savings, and Establishing an Effective Date

**OVERVIEW STATEMENT:**

Council discussion of amendments to RZC 21.72, Tree Protection, and RZC 21.78, Definitions. A staff report was provided at the Council's April 5, 2022, Business Meeting. Further direction was received from the Council at their April 26, 2022, Study Session and the May 3, 2022, Planning and Public Works Committee of the Whole Meeting.

☒ **Additional Background Information/Description of Proposal Attached**

**REQUESTED ACTION:**

☐ **Receive Information**      ☐ **Provide Direction**      ☒ **Approve**

**REQUEST RATIONALE:**

- **Relevant Plans/Policies:**  
Redmond Comprehensive Plan, Tree Preservation and Landscape Enhancement subsection of the Natural Environment Element; Tree Canopy Strategic Plan; Environmental Sustainability Action Plan; Climate Action Implementation Plan; Watershed Management Plan; Community Strategic Plan; and Redmond Zoning Code.
- **Required:**

N/A

- **Council Request:**

N/A

- **Other Key Facts:**

**Approach:**

An inter-departmental Tree Team was formed, consisting of staff from Planning, Parks, Public Works, and the Executive Office. It was vital to create this team to gain insight into how each Department addresses trees.

Three high-level goals were established for the Tree Regulations Update:

- Clarity in the regulations where there are conflicts or regulatory gaps, to ensure consistent implementation and predictability;
- Reflective of community values; and
- Alignment with the City's Strategic Plan so the regulations are complimentary and do not conflict with the greater vision.

Additionally, the team established main objectives:

- Early involvement of internal and external stakeholders;
- Informed by research of surrounding jurisdictions and review of emerging nationwide trends to help identify regulatory gaps;
- Establishment of clear mechanisms for reporting on tree removals, tree retention, and tree plantings; and
- Regulations that support the Comprehensive Plan, Tree Canopy Strategic Plan, and adopted growth targets.

**Growth:**

The existing tree regulations in the RZC were adopted in 1998. These regulations have not had a comprehensive review since that time. Meanwhile, significant growth has occurred in Redmond since 1998: 57% increase in population, 65% increase in housing units, and 85% increase in the number of jobs. A thorough review of the regulations is warranted to ensure they reflect current community values and balance competing interests.

**Research:**

A comparative analysis of tree regulations from surrounding jurisdictions was prepared. This enabled staff to determine where Redmond falls in the spectrum of tree protection and regulation in the region. Staff also researched national emerging trends and approaches to tree management. Lastly, staff analyzed tree permit issuance data from EnerGov, the City's electronic permitting system, as well as tree data related to development proposals over a five-year horizon.

**Key Changes**

As noted above, a key element of the update is to provide clarity and reflect community values. Key proposed changes are noted below:

- **Tree Management Approach.** Establishes a tree management framework that follows an impact mitigation sequencing approach by avoiding tree removal, minimizing impacts through retention of as many trees as possible, mitigating impacts that cannot be avoided by replacing trees at a higher ratio; compensating by paying a fee-in-lieu; and monitoring for success through the bonding period. (Note: The tree retention requirement has not changed. It is still 35%.)

- **Tree Replacement Ratios.** These have been increased in response to public input and to help address the temporal loss of trees. Tree replacement ratios are currently 1:1 for significant trees and 3:1 for landmark trees. Proposed ratios are 3:1 for significant trees and 6:1 for landmark trees. Impacted trees will remain at a 1:1 replacement ratio.
- **Fee-In-Lieu.** Applicants will need to document in writing the rationale why on-site or off-site tree replacement is not achievable. The fee-in-lieu has been increased to \$500 for each significant tree and \$2,000 for each landmark tree removed. Currently, it should be \$250 per tree, however, this fee was inadvertently changed and was reduced to \$98 per tree when the city revised the fee schedules in 2019.
- **Deviations.** The Exceptions section has been changed to Deviations to be consistent with existing RZC terminology. Revisions specifying documentation for deviations requests and criteria for granting deviations have been clarified.
- **Penalties.** Financial penalties are proposed to be based upon industry standards and reference the International Society of Arboriculture's "Guide for Plant Appraisal" versus a flat \$3,000 fine.
- **Hazardous Trees.** The approach to hazardous trees has been clarified. Their removal requires a permit and 1:1 replacement is required. Dead trees have been eliminated from the definition of hazardous trees.
- **Definitions.** Several relevant definitions have been added to provide code clarity, such as an impacted tree, retained tree, topping, and pruning.

#### **OUTCOMES:**

The proposal reaches a balance of environmental protection in an urbanizing community. It is more reflective of community values than the current regulations.

#### **COMMUNITY/STAKEHOLDER OUTREACH AND INVOLVEMENT:**

Public participation in advance of crafting the draft regulations was an imperative step. Staff created a Let's Connect webpage in May 2020 that contains information that frames the context for the regulations update, along with supporting documents and a project schedule. This webpage is still active. People additionally reached out via email or phone calls through the update process offering input. Lastly, many people submitted written testimony during the Planning Commission's public hearing and review of the proposed regulations.

- **Timeline (previous or planned):**

**June 2020 thru August 2020.** Staff ran a questionnaire on the Tree Regulations Update Let's Connect webpage which contained a series of non-leading, non-biased open-ended questions. The results from this survey were read and categorized and informed several changes in the proposed regulations.

**August 2020.** Staff also held two virtual office hours events in 2020 that citizens attended to ask questions and offer comments on updating the tree regulations.

**September 2021 thru January 2022.** The Planning Commission held seven meetings, one of which was a public hearing on November 10, 2021.

Throughout the entire process, staff participated in many one-on-one calls with citizens, business owners, and developers.

- **Outreach Methods and Results:**

Feedback and comments were received early in the code development process through the Let's Connect questionnaire and virtual office hours events mentioned above.

Regarding the questionnaire, specifically, 82 individuals responded that the definition of a significant tree should

remain the same, while 34 responded that the definition should be revised. Similarly, 87 respondents said the landmark tree definition should remain the same while 28 suggested it be revised. Those who suggested revisions mentioned landmark trees should be species-dependent considering the health, desirability of the species, and location. An overwhelmingly 102 respondents noted the City should continue the practice of issuing tree removal permits, while 18 noted the City should cease the practice. Several comments were made regarding making the process easier for single-family homeowners to secure a permit. Regarding the current requirement for development proposals to retain 35% of significant trees, the majority of respondents would like this number increased (71 for higher, nine for lower, and 37 for remaining the same). A tree retention rate of 50% was the most common response for making the retention requirement higher. Some respondents mentioned different retention requirements for significant versus landmark trees. Most people responding (75) suggested higher in-lieu fees, while 27 suggested keeping it the same, and 13 responded it should be lower. Five hundred dollars (\$500) was the most common recommendation on fee-in-lieu cost per tree, followed by \$1,000 (13 respondents).

Comments from the virtual office hours expressed concern that tree removal is too easy to obtain, replacement plantings are not effective, enforcement is lacking, and the need for education. Other comments included the interconnectedness of the Tree Canopy Strategic Plan, the Environmental Sustainability Action Plan and the proposed Updated Tree Regulations, and the potential for conflicts between overhead utility lines and tree retention.

Comments received during the Planning Commission's review of the proposed tree regulations were cataloged in the Commission's 51-page issues matrix. Additional changes were made to the proposed regulations in response to public testimony.

- **Feedback Summary:**

Much of the feedback received was incorporated into the proposed tree regulations where possible, and where it maintained alignment with all city priorities, state/county mandates and could be reasonably achieved through practical business practices and allocated budget. Most of this input is reflected in the Key Changes noted above.

**BUDGET IMPACT:**

**Total Cost:**

None

**Approved in current biennial budget:**

☒ Yes

☐ No

☐ N/A

**Budget Offer Number:**

000250

**Budget Priority:**

Vibrant and Connected

**Other budget impacts or additional costs:**

☐ Yes

☐ No

☒ N/A

***If yes, explain:***

N/A

**Funding source(s):**

General Fund

**Budget/Funding Constraints:**  
N/A

☐ Additional budget details attached

**COUNCIL REVIEW:**

**Previous Contact(s)**

Date	Meeting	Requested Action
3/1/2022	Committee of the Whole - Planning and Public Works	Receive Information
4/5/2022	Business Meeting	Receive Information
4/26/2022	Study Session	Receive Information
5/3/2022	Committee of the Whole - Planning and Public Works	Provide Direction

**Proposed Upcoming Contact(s)**

Date	Meeting	Requested Action
N/A	None proposed at this time	N/A

**Time Constraints:**

While there are no time constraints, there is considerable community support and momentum behind the adoption of code amendments that are better aligned with the city's environmental sustainability goals and community vision.

**ANTICIPATED RESULT IF NOT APPROVED:**

Existing regulations will remain in effect.

**ATTACHMENTS:**

Attachment A - Proposed Tree Regulations Showing Changes (RZC 21.72) v16  
Attachment B - Proposed Tree Definitions Showing Changes (RZC 21.78) v5  
Attachment C - Proposed RMC 1.14 Enforcement and Penalties Showing Changes  
Attachment D - Proposed Adopting Ordinance