



Memorandum

Date: 7/19/2022
Meeting of: City Council

File No. AM No. 22-108
Type: Consent Item

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

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

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

TITLE:

Approval of Unauthorized Tree Removal Penalties and Updated Tree Replacement Base Fees

- a. Ordinance No. 3090: An Ordinance of the City Of Redmond, Washington Amending Redmond Municipal Code Chapter 1.14, Enforcement and Penalties, and Amending Tree Replacement Base Fees on the Planning Department Fees Schedule; Providing for Severability and Establishing an Effective Date

OVERVIEW STATEMENT:

Discussion of amendments to RZC 21.72, *Tree Protection*, RZC 21.78, *Definitions*, and RMC Chapter 1.14, *Enforcement and Penalties* was referred to the Parks and Environmental Sustainability Committee of the Whole during the June 7 Council Business Meeting. At the subsequent June 28, 2022, Parks and Environmental Sustainability Committee of the Whole meeting, the Committee directed staff to move forward with the Enforcement and Penalties provisions in the Redmond Municipal Code and Replacement Tree Base Fee provisions on the Planning Department Fee Schedule that were extracted from the initial Tree Regulations Update adopting ordinance. Refer to Attachment A.

☒ **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:**

Council approval is required for code changes.

- **Council Request:**

N/A

- **Other Key Facts:**

The Parks and Environmental Sustainability Committee of the Whole was briefed on an appeal of Kirkland's recently adopted tree regulations to the Growth Management Hearings Board (GMHB). It was suggested that the City consider the outcome of the petition to allow Council to reflect on the decision before moving the entire Tree Regulations Update package forward. A final decision and order on the Kirkland appeal is expected from the GMHB in November. In the meanwhile, the City can move unauthorized tree removal penalties into RMC Chapter 1.14, *Enforcement and Penalties*, and take action. In addition, the Tree Replacement Base Fee amount currently resides on the Planning Department Fee Schedule. The Council can take action on updating these fees in the schedule. Neither action is subject to appeal to the Growth Management Hearings Board.

OUTCOMES:

The proposal addresses concerns related to unauthorized tree removal as well as tree replacement base fee amounts which were inadvertently reduced over time in the Planning Department Fee Schedule.

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
6/7/2022	Business Meeting	Approve
6/28/2022	Committee of the Whole - Parks and Environmental Sustainability	Provide Direction

Proposed Upcoming Contact(s)

Date	Meeting	Requested Action
	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.

ANTICIPATED RESULT IF NOT APPROVED:

Existing unauthorized tree removal penalties and tree replacement base fee amounts will remain effective.

ATTACHMENTS:

Attachment A: Adopting Ordinance