



# CITY OF MEDINA

501 EVERGREEN POINT ROAD | PO BOX 144 | MEDINA WA 98039-0144  
TELEPHONE 425-233-6400 | [www.medina-wa.gov](http://www.medina-wa.gov)

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## MEMORANDUM

DATE: July 11, 2022  
TO: Honorable Mayor and City Council  
FROM: Stephanie Keyser, AICP, Planning Manager and Emily Miner, Assistant City Attorney  
RE: Tree Code Update 2021/2022 – Questions and Answers

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### Questions and Answers

Here are answers to some of the questions that have come up from public comments on the tree code:

**Q. How do the replanting requirements apply on more wooded lots?**

A. When it comes to lots under development, wooded lots are at an advantage because they can remove more trees and still meet the density ratio (this was the case for the wooded property on 79<sup>th</sup> that appeared to be clear cut because they just kept trees along the back of the lot). This is true under the current code, and this is still true under the proposal. When it comes to Landmark and Legacy tree designation, there is no exemption or relief for wooded lots.

**Q. Are the requirements more stringent on such lots? (i.e. do they apply any differently because the property has a greater tree canopy baseline?)**

A. No, the requirements are not more stringent they are the same. However, heavily wooded lots would likely be unable to meet the replanting requirements.

**Q: For example, a heavily wooded lot removes a 36” DBH tree. How much do they have to replant and what are the alternatives?**

A. Legacy tree replacement plantings are a sliding scale based on lot size so it would depend on the size of the lot. The following examples are assuming one 36” DBH tree is removed:

If the lot was less than 10,001 square feet, the number of replacement inches is 10% of the removed DBH. They would need to plant 4 inches or 2, 2” trees ( $36 \times .1 = 3.6 = 4$  (rounded up to the next whole number)).

If the lot was 10,001-13,000 square feet, the number of replacement inches is 15% of the removed DBH. They would need to plant 6 inches or 3, 2” trees ( $36 \times .15 = 5.4 = 6$  (rounded up to the next whole number)).

If the lot was 13,001-15,000 square feet, the number of replacement inches is 25% of the removed DBH. They would need to plant 9 inches ( $36 \times .25 = 9$ ). They could accomplish this by either planting 5, 2" trees or 3, 3" trees.

If the lot was 15,001-20,000 square feet, the number of replacement inches is 35% of the removed DBH. They would need to plant 13 inches ( $36 \times .35 = 12.6 = 13$  (rounded up to the next whole number)). They could accomplish this by planting 7, 2" trees or 5, 3" trees.

If the lot was greater than 20,000 square feet, the number of replacement inches is 50% of the removed DBH. They would need to plant 18 inches ( $36 \times .5 = 18$ ). This could be accomplished by planting 9, 2" trees, or 6, 3" trees.

If the property was unable to meet the replanting requirements, they could do the replanting in the adjacent ROW, they could plant within another public ROW or a city park, or they could pay a fee-in-lieu.

**Q. Re: heavily wooded lots, what is the perceived benefit to applying the code this way?**

A. Creating a new Legacy tree category sends a clear policy directive that trees are important in Medina. It does not make sense to designate something as important and then regulate it separately depending on the status of development on the lot. If two different replanting requirements were created, this is something that could very easily be circumvented by an applicant applying for a tree permit a few months before a building submittal, or by a seller cutting down trees before they sell their house. From a staff perspective, there's less administration on the City side by treating these trees the same regardless of development status.

**Q. How many trees would a property owner not developing their property, versus a property owner with a lot under development, have to replant for removing one legacy and one landmark tree?**

A. There is no difference in requirements based on land under development. Again, the mitigation is dependent upon the size of the lot and the DBH removed for legacy trees. Landmark trees (50" DBH and above) have a one-to-one replacement requirement. Taking the most stringent example, a 20,000+ square foot lot removes one 36" Legacy tree and one 50" Landmark tree. The mitigation required would be 18 inches for the Legacy tree and 50 inches for the Landmark for a total of 68 inches or 34, 2" trees. Obviously, very few lots would be able to accommodate this number of trees, so they would then look at planting off site or doing fee-in-lieu.

It should be noted that a primary reason for the creation of an additional class of trees is to prevent them from being cut down. As we saw during our analysis, it's easy for these larger trees to come down right now. The intent is to make people pause before cutting down a healthy tree in the corner of their lot to get a better view of the golf course.

**Q. How many legacy and landmark trees are there in Medina?**

A. The only data we have is based on the permits for tree removals associated with development that have been submitted since 2015. As part of this discussion, staff looked at 295 tree permits that were submitted for land under development. The table below uses the proposed new code's parameters (new Legacy 36-less than 50 and Landmark 50 and above):

Removed		Remain	
Landmark	2	Landmark	7
50" and greater but not considered Landmark	5	50" and greater but not considered Landmark	7
Legacy	83	Legacy	118
36"-less than 50" but not considered Legacy	8	36"-less than 50" but not considered Legacy	23
Total Trees	98	Total Trees	155

Using the new code’s definitions, 2 Landmark trees and 83 Legacy trees have been removed since 2015. 5 trees that are larger than 50” but not considered Landmark and 8 trees larger than 36” but less than 50” and not considered Legacy were also removed. The total trees in all categories removed is 98.

Based on the applications, 7 Landmark trees and 118 Legacy trees remain. Additionally, there are 7 trees larger than 50” but not considered Landmark and 23 trees larger than 36” but less than 50” and not considered Legacy that also remain.

**Q. Why can’t the City have different definitions for Legacy and Landmark trees on lots under development versus not under development?**

A. They can, but it will create more administrative tracking problems and will require an entirely new procedure for determining replanting requirements for lots not underdevelopment. This will also be something that applicants can easily circumvent by cutting down trees before submitting a building permit or having a seller cut down trees before the sale closes. Staff would strongly discourage this.

**Q. How does tree density ratio impact the tree replanting analysis?**

A. The density ratio informs how many tree units are required on site. The proposal increases the density ratio by .05 from .35% to .4%. For example, a 10,000 square foot lot is required to have 4 tree units (10,000 / 1,000 x 0.4 = 4 units). If a lot doesn’t have enough tree units to meet that minimum density ratio, they will have to plant supplemental trees.

**Q. What complaints did the City receive related to the 2015 tree code update?**

A. Most complaints would have gone to Tom Early but there have definitely been complaints about the complexity of the tree application.

**Q. Did the code go far enough for new construction?**

A. For lots undergoing redevelopment, the changes will result (on average) in one additional tree being saved. It’s important to keep in mind that this is a cumulative effect. Planning Commission

was deliberate in trying to balance the desires of the residents to redevelop their properties with the value of retaining existing trees.

**Q. Did the code go too far for existing owners?**

A. The general consensus from Planning Commission was that the existing code is too lax when it comes to the removal of larger trees; it is acknowledged that this wasn't their assigned task. To make owners think twice about removing larger trees, the mitigation was intentionally created to be high but also attempted to not be overly burdensome. In the existing code for land not under development, if a resident removes a tree 24" DBH to less than 50", they are required to plant 3 trees. If they remove a legacy tree (in the current code a legacy tree is 50" or greater), they are supposed to plant ½ the DBH removed, i.e., a 50" DBH legacy tree requires 25" of replacement inches). A hazard tree 10" or greater requires one tree.

**Q. So any tree 36" DBH or larger will be a Legacy tree?**

A. No. Legacy and Landmark trees must be of a certain DBH **and** be a species on the Legacy Tree Species List:

A. EVERGREENS (CONIFERS):

1. Lawson Cypress – *Chamaecyparis lawsoniana*
2. Alaska Yellow Cedar – *Chamaecyparis nootkatensis*
3. Western Red Cedar – *Thuja plicata*
4. Douglas Fir – *Pseudotsuga menziesii*
5. Grand Fir – *Abies grandis*
6. Mountain Hemlock – *Tsuga mertensiana*
7. Western Hemlock – *Tsuga heterophylla*
8. Pacific Madrone – *Arbutus menziesii*
9. Shore Pine – *Pinus contorta* var. *contorta*
10. Western White Pine – *Pinus monticola*
11. Sitka Spruce – *Picea sitchensis*

B. DECIDUOUS:

1. None

**Q. The current tree ordinance was just updated after extensive analysis. Why is the city doing another modification so soon?**

A. The existing code was adopted in 2015. At the time of adoption, there was a consensus among city staff and Council that the code would be re-examined in 5 years, so the timing of these amendments is appropriate.

**Q. Just because a couple of properties were developed that had excess tree coverage on them does not justify changing the existing tree code.**

A. Beginning in the fall of 2019, Council received complaints about more than a couple properties. Additionally, the proposal recommends minor changes that will strengthen the intent of the tree code.

**Q. You should be encouraging solar power production not more trees. You can't access solar opportunity if you don't allow homeowners to manage their tree canopies.**

A. The proposal will not limit a homeowner's ability to install solar panels on their roof.

**Q. The proposed changes are onerous and lopsided regarding tree replacement and would eliminate any new trees from being placed on private property.**

A. Council and City staff all recognize the importance of the *right tree in the right place*. The proposal states that if the City's tree arborist determines that there isn't sufficient space on the lot to plant a tree that will grow and thrive, the homeowner will be eligible for alternatives that include: planting in the right-of-way, planting off site, and paying a fee-in-lieu.

**Q. These are radical changes that are forcing more tree density on homeowners.**

A. Increasing the tree density (or tree canopy) from 35% to 40% is a very minor change that will result in homeowners having to keep on average one more tree.

**Q. Why not just plant a forest in the park instead of requiring homeowners to have trees?**

A. The benefits of trees are many: from battling heat island effect, helping air pollution, improving mental health, helping stormwater filtration, increasing real estate value, to just name a few. There are numerous studies that support the ecological function of having trees dispersed throughout an area instead of being concentrated in one spot. Like it or not, trees are what make up a large part of Medina's character and that's not a policy directive Council wants to change.

**Q. The increase in the required tree density and the decrease in the tree unit has no basis in science or logic.**

A. The 40% proposed tree density ratio was actually the 2015 tree code recommendation; however, the density was reduced to 35% before adoption. Both the increase in tree density ratio and the decrease in tree units were supported by the City's tree arborist as minor tweaks to the code.

**Q. The current code is flawed and making it more complex is even worse. As far as new construction, several years ago the tree code made it such that new construction had to meet or exceed the average coverage in Medina, therefore the code changes are completely unjustified.**

A. It is Staff's opinion that the proposal is minor and does not make things more complex. There is still a density ratio (tree canopy) requirement, however it is modestly increased by 5% from 35% to 40%.

**Q. The proposed tree credit units are assigning too small a number to trees; the math doesn't add up.**

A. Tree units are not a standardized, tree-industry created value. They are a calibration of numbers that cities use to get a general outcome which is the retention of trees. To demonstrate this point, below are a few tree unit tables from tree codes around the US:

Floyd County, GA

DBH* (inches)	Tree Units
1 to 4	.1
5 to 6	.2
7	.3
8	.4
9	.5
10	.6
11	.7
12	.8
13	.9
14	1.1
15	<a href="#">1.2</a>
16	<a href="#">1.4</a>
17	1.6
18	1.8
19	2.0
20	<a href="#">2.2</a>
21	<a href="#">2.4</a>
22	<a href="#">2.6</a>
23	<a href="#">2.9</a>
24	<a href="#">3.1</a>
25	<a href="#">3.4</a>
26	3.7
27	4.0
28	<a href="#">4.3</a>
29	4.6
30	4.9
31	<a href="#">5.2</a>
32	5.6
33	5.9
34	<a href="#">6.3</a>
35	<a href="#">6.7</a>
36	<a href="#">7.1</a>
37	<a href="#">7.5</a>
38	7.9
39	8.3
40	8.7
41	<a href="#">9.2</a>
42	9.6
43	10.1
44	10.6
45	11.0
46	11.5
47	12.0
48	12.6
49	13.1
50	13.6

Coupeville, WA

Tree Provided	Tree Credits
New small species tree	0.25
New small/medium species tree	0.5
New medium/large species tree	1
New large species tree	2
Preserved tree 6-9"*	4
Preserved tree 10—12"*	5
Preserved tree 12—15"*	6
Preserved tree 16—18"*	7
Preserved tree 19—21"*	8
Preserved tree 22—24"*	9
Preserved tree 25—28"*	10
Preserved tree 29—32"*	<a href="#">11</a>
Preserved tree 33—36"*	12
Preserved tree 37" and greater*	13

## Camas, WA

Diameter at Breast Height "dbh"	Tree Units	Diameter at Breast Height "dbh"	Tree Units
1" to 5"	1	31" to 32"	12
6" to 12"	2	33" to 34"	13
13" to 14"	3	35" to 36"	14
15" to 16"	4	37" to 38"	15
17" to 18"	5	39" to 40"	16
19" to 20"	6	41" to 42"	17
21" to 22"	7	43" to 44"	18
23" to 24"	8	45" to 46"	19
25" to 26"	9	47" to 48"	20
27" to 28"	10	49" to 50"	21
29" to 30"	11	For larger trees, allow a ½ tree unit for every additional inch of dbh.	

## Centennial, CO

Table <a href="#">12-8-204</a> Credit for Preservation of Trees			
Preserved Healthy Tree Unit of Measurement (use whichever one produces the most credit)			Credit
Diameter at Breast Height	Tree Height	Years Established	
At least 2 inches, but less than 4 inches	At least 10 ft., but less than 15 ft.	Any	1 tree
At least 4 inches, but less than 8 inches	At least 15 ft., but less than 24 ft.	5	2 trees
At least 8 inches, but less than 12 inches	At least 24 ft., but less than 32 ft.	10	3 trees
At least 12 inches, but less than 16 inches	At least 32 ft., but less than 40 ft.	15	4 trees
16 inches or more	40 ft. or more	20 years or more	5 trees

**Q: The proposal conflicts with itself—it calls for a continuous canopy and a scattering of trees.**

A. For lots that are 20,000 square feet and larger and under construction, there is a requirement for homeowners to retain a percentage of trees toward the front of the property, toward the back of the property, and outside of the setbacks. The purpose of this is to prevent tree retention from only happening along the back property line, which can give the impression of the lot being clear-cut. This requirement is only for lots 20,000 square feet and larger. When an owner has to plant supplemental trees, there is a priority list of locations where trees should be considered to be placed, which includes near other preserved trees.

**Q. The requirement of planting within the first 15-feet of the front and rear property lines conflicts with the development code that allows patios and decks within the setbacks.**

A. There is a priority list of where supplemental trees should be replanted and within the front yard setback is one area. However, if it's not reasonable to plant there, there are other options available. The right tree in the right spot will not force a homeowner to plant a tree that will not be able to thrive if a deck is built next to the root zone.

**Q. Part of the tree code proposal bans the removal of a 36" tree.**

A. Nowhere in the code does it ban the removal of a 36" tree.

**Q. It seems the tree units are arbitrarily forcing tree plantings.**

A. The reduction in tree units is to not arbitrarily force plantings but rather for homeowners to be more selective with their tree retention. In the tree permit analysis for lots under development, it was clear that homeowners often remove as many trees as they're able to. Increasing the density ratio and decreasing the tree units will result in one or two more trees being retained.

**Q. Fewer than one household per year not under development cuts down a tree each year.**

A. This is not correct, and staff is unclear of where this assumption came from.

**Q. I just learned of this proposal, and I don't support these changes. There should be adequate time to allow homeowners to understand this and have more than one proposal to consider.**

A. For the past 9 months, the tree code has been in public process. There has been a dedicated webpage, post cards sent to residents, email blasts, open houses, and public hearings. When Planning Commission is doing its analysis, they do consider multiple possibilities and proposals. However, once Planning Commission takes a vote and finalizes their recommendation, that is what gets forwarded to Council. It's for Council to decide whether to adopt the recommendation, reject it, make amendments to it, or send it back to Planning Commission. The process would never be to forward two separate recommendations on one topic for Council to choose between.

**Q. I'm concerned about the new definition of legacy tree and the possibility of needing to plant a lot more replacement trees if I cut down a tree.**

A. A Legacy tree has to have a certain DBH and be listed on the Legacy tree list. If you have a tree that qualifies as Legacy and you remove it, yes, planting replacement trees is one option. Other options include planting in the right-of-way, planting off site, or paying a fee-in-lieu.