

CHAPTER 16.52. TREE MANAGEMENT CODE

16.52.060. 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 ten 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 16.12.200 to denote the term significant tree as used in this chapter.

(Code 1988 § 20.52.050; Ord. No. 1012 , § 2, 7-11-2022; Ord. No. 923 § 14, 2015; Ord. No. 909 § 2 (Att. A), 2014)

Note(s)—Former § 16.52.050. See editor's note, § 16.52.020.

16.52.080. 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 16.66.050.

- 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 50 inches; and
 - c. The city arborist determines the tree to be healthy with a likelihood of surviving more than ten 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 50 inches or larger; and
 - c. The city arborist determines the tree to be healthy with a likelihood of surviving more than ten 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 16.52.080(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 16.52.080(B) Legacy Tree Replacement Requirements

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

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 square feet.

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 or 1 tree

Legacy tree removed: Yes - One 44-inch DHB tree

Legacy tree supplemental units: 10 percent x 44 = 4.4 (rounded up to the next whole number) = 5 legacy replacement inches

Landmark tree removed: No

Total supplemental requirements = 1 tree plus 5 inches = 4 2-inch trees

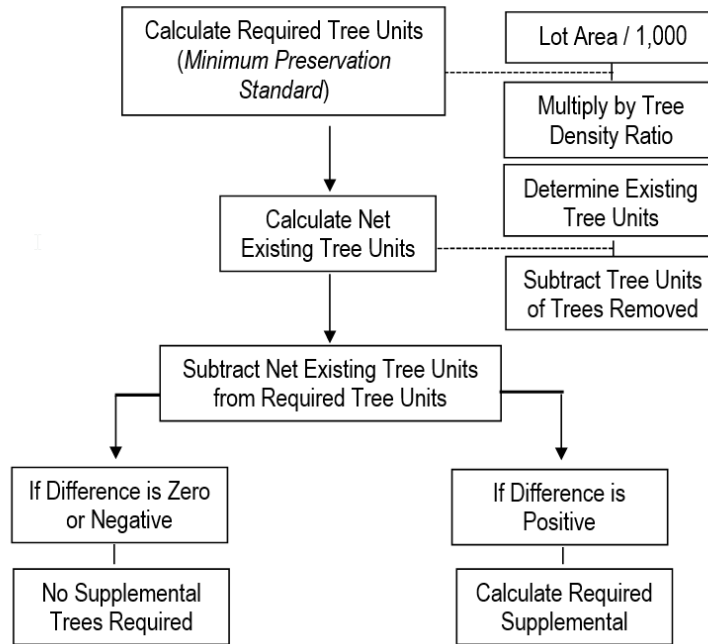
2. Landmark tree:
 - a. The quantity of replacement inches is calculated by multiplying the diameter breast height of each subject landmark tree by 100 percent to establish the minimum number of replacement inches; and
 - b. All fractions of this section shall be rounded up to the next whole number.
- 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 16.52.180.
- D. *Other provisions.*
 1. Each replacement tree shall meet the standards prescribed in MMC 16.52.090;
 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 16.52.090 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 16.52.100 (C)(2) are acceptable alternatives to on-site replacement tree planting provided the director or designee approves of the off-site location in writing.

(Code 1988 § 20.52.120; Ord. No. 1012 , § 2, 7-11-2022; Ord. No. 923 § 18, 2015; Ord. No. 909 § 2 (Att. A), 2014)

16.52.090. 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 16.52.070. Figure 16.52.090 outlines the primary steps prescribed by this section in establishing requirements and determining compliance with this chapter.

Figure 16.52.090 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 16.52.090(B); and
3. The resulting product is rounded up to the next whole number to establish the minimum number of required tree units.

Table 16.52.090(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 16.52.090(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:

If the net existing tree units equal or exceed the required tree units then no supplemental trees are required; or

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 16.52.090(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	0.75
Coniferous	6 to 10 inches	0.5
	Greater than 10 inches, but less than 36 inches	0.75
	36 inches and greater	1.0

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:
 - If the difference is less than zero round to zero;
 - A difference of zero means no pre-existing tree unit gap is present;
 - 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:

Assigning a tree unit to each supplemental tree using Table 16.52.090(D);

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;

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

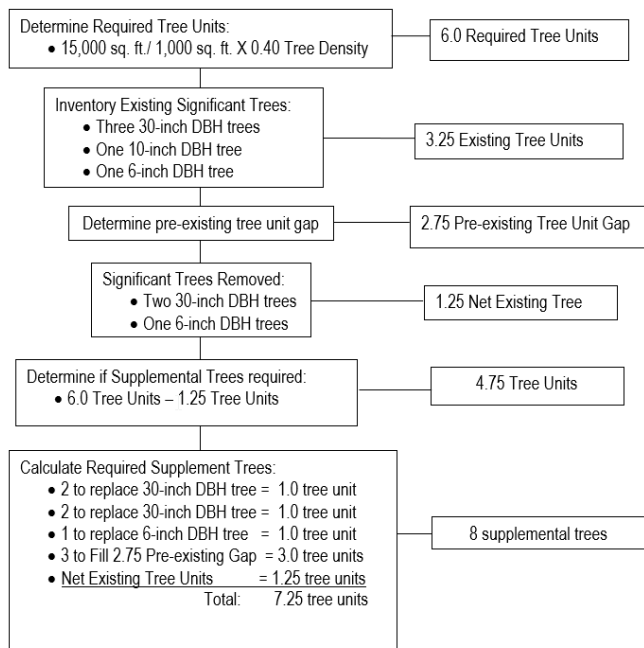
Supplemental trees in excess of those needed to meet the minimum required tree units shall not be required.

See Diagram 16.52.090 for an example of calculating supplemental trees.

Table 16.52.090(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 16.52.090 Example Calculating Supplemental Trees



(Code 1988 § 20.52.130; Ord. No. 1012 , § 2, 7-11-2022; Ord. No. 923 § 19, 2015; Ord. No. 909 § 2 (Att. A), 2014

16.52.170. 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 state licensed surveyor that includes the following:
 - a. Topography of the site at two-foot contour intervals;
 - b. Critical areas as defined in Chapters 16.50 and 16.67 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:
 - (A) Significant trees which form a continuous canopy.
 - (B) Significant trees located adjacent to critical areas and their associated buffers.
 - (C) Significant trees located within the first 15 feet adjacent to a property line.
 - (D) Significant trees which will be used as part of a low impact development (LID) storm water facility.
 - (E) Significant trees over 60 feet in height or greater than 24 inches diameter breast height.
 - d. For lots larger than 20,000 square feet, excluding lots within the shoreline jurisdiction as defined by MMC 16.66.050, the tree density ratio shall be achieved as follows:
 - i. At least 20 percent of the required significant trees as determined by MMC 16.52.090 shall be retained equally within the site perimeter as follows:
 - (A) Ten percent within the first 15-feet of the front property line.

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- (B) Ten percent within the first 15-feet of the rear property line.
- b. At least 20 percent of the required significant trees as determined by MMC 16.52.090 shall be retained within the site interior.
 - c. In the event there are not enough existing significant trees to meet the requirements of this section, the applicant shall work with the city arborist to ensure, to the greatest extent possible, tree retention occurs throughout the site and is not concentrated in one area (e.g., only along the back property line).
 - d. Compliance with the required tree density ratio pursuant to MMC Table 16.52.090(B).
 - e. If applicable, a list of supplemental trees to be planted consistent with the requirements of this chapter.
 - f. If right-of-way trees are proposed for removal, an analysis of the tree mitigation and a list of replacement trees to be planted.
 - g. The list of required tree plantings shall include the size, genus, species and common names.
 - h. 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.

(Code 1988 § 20.52.320; Ord. No. 1012 , § 2, 7-11-2022; Ord. No. 923 § 27, 2015)

16.52.200. 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 16.52.030, 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 16.52.040 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 16.52.160.
- 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 16.52.120;
 2. Nuisance trees designated pursuant to MMC16.52.130;
 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 ten-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 14.08.040 through 14.08.080; and
 - c. The approval of a nonadministrative right-of-way activity permit is obtained pursuant to MMC 16.72.090.
- 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 16.52.200(E)(1), except as allowed otherwise by this section;

Table 16.52.200(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

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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 16.52.060;
 - 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 16.52.120 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 16.52.040(C), 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;

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- 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 16.52.210.
 - H. Where a proposal includes application of this section and application of MMC 16.52.090 and/or 16.52.1100, the requirements for supplemental trees and restoration trees shall be applied independent of the requirements in this section for replacement trees.

(Code 1988 § 20.52.400; Ord. No. 1012 , § 2, 7-11-2022; Ord. No. 958 § 3, 2018; Ord. No. 923 § 29, 2015)

Note(s)—Former § 16.52.190. See editor's note, § 16.52.180.