



CITY OF MEDINA

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MEMORANDUM

DATE: June 22, 2021
TO: Medina Planning Commission
FROM: Stephanie Keyser, AICP, Planning Manager
RE: Tree Code Retention and Replacement Requirements

Planning Commission has been asked to review the tree retention and replacement requirements for new single-family construction. Staff anticipates using the same memo template as we continue to work through this topic. To draw the reader's attention to those sections with new information, the word **UPDATED**, **CONTINUED** or **NEW** will appear at the end of a bolded title. Items that have been voted on and are therefore finished, will have the word **COMPLETED** at the end of a bolded title. The work plan task is presented below:

Review tree retention and replacement requirements for new single-family construction

Description

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.

Requests to Staff

The first step will be to examine the retention and replacement requirements for lots undergoing redevelopment.

Deliverable

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 Discussions

Items that have been identified for consideration as the commission works through this work plan topic include:

- the definition of a significant tree
- better legacy tree protection
- the specific tree species that the city requires/encourages
- the role of natural loss
- long-term survival rates and enforcement
- the numerical tree replacement requirement
- the location of trees, both removal and replacements
- making sure the code is simple and flexible

The following have been provided to move the conversation forward with respect to the items above:

The definition of a significant tree (COMPLETED – APPROVED MARCH 23rd: 4-0)

The definition of a significant tree will stay as it is currently written in the code.

Better legacy tree protection: Exceptional, legacy, and significant (UPDATED)

Planning Commission has discussed creating better legacy tree protection in the form of reducing the threshold for what qualifies as a legacy tree as well as creating an additional layer of protection for those trees that have a diameter breast height of 100” and greater. It seems that in Medina, there are really three standards of trees: significant (those 6” DBH and greater); legacy (those either 36” or 50” DHB up to less than 100”); and then exceptional (those 100” DBH and greater). By creating an additional status of tree, that would then establish a hierarchy of retention with exceptional trees having the most stringent mitigation requirements. This would send a clear direction that the city does not want to lose these trees (it should be noted that if an exceptional tree became a hazard tree, it would be allowed to come down).

It has not been decided whether to lower the threshold of a legacy tree from 50” to 36” DBH. During the April meeting Planning Commissioners expressed concern about the amount of mitigation that would be required, particularly for smaller lots. To address this concern, it was requested that staff return with a scale that was relative to lot size for legacy tree removal. If it is agreed that the city should reduce legacy trees to 36”, the required mitigation needs to ensure balance. While no one wants a code that is excessively onerous on a property, we also do not want to make it too lenient and end up back where we are in three years. In the proposal, lot sizes are broken out into 5 groups which are the same numerical groups that are used for the setback requirements (MMC 20.22.030). The square footage groupings are: less than 10,001; from 10,001 to 13,000; from 13,001 to 15,000; from 15,001 to 20,000; greater than 20,000. The required replacement DBH is a sliding scale from 10% up to 50%. Quick examples from each grouping may be found below.

Lot size: 10,000 sq. ft.
Legacy tree DBH removed: 36"
Required replacement inches: 10% removed DBH
Required trees = $3.6 = 4$ rounded up
($36 \times .1 = 3.6 = 4$)

Lot size: 12,000 sq. ft.
Legacy tree DBH removed: 36"
Required replacement inches: 15% removed DBH
Required trees = $5.4 = 6$ rounded up
($36 \times .15 = 5.4 = 6$)

Lot size: 15,000 sq. ft.
Legacy tree DBH removed: 36"
Required replacement inches: 25% removed DBH
Required trees: 9
($36 \times .25 = 9$)

Lot size: 18,000 sq. ft.
Legacy tree DBH removed: 36"
Required replacement inches: 35% removed DBH
Required trees: $12.6 = 13$ rounded up
($36 \times .35 = 12.6 = 13$)

Lot size: 20,000 sq. ft.
Legacy tree DBH removed: 36"
Required replacement inches: 50% removed DBH
Required trees: 18
($36 \times .5 = 18$)

Fee-in-Lieu (COMPLETED – APPROVED APRIL 27th: 3-2)

Another concern raised is whether the monetary component of the fee-in-lieu of planting section is too low to actually act as a deterrent. To address this, fees-in-lieu will be permitted only if the city arborist determines there is insufficient area to replant on site. Additionally, the associated fee shall be tied to the most current council of tree and landscaper appraiser guide for plant appraisal (Attachment A). The Council of Tree and Landscaper Appraisers periodically updates their appraised values, which will take the burden off of the city having to raise the fees every few years.

Medina Tree Fund (NEW)

At the last meeting, the question of what the city does with the money received from owners opting to use the fee-in-lieu (or payment into the Medina tree fund) option was asked. The Public Works department oversees the fund and they use it to cover the costs of tree trimming, removal of hazard trees, and new plantings on city property. One thing the city should do is create a plan and prioritize where future plantings should occur.

**Amending tree credit value section MMC 20.52.130(C) (increase or decrease)
(CONTINUED)**

At the March Planning Commission meeting, the possibility of amending the tree credit value table (MMC 20.52.130(C)) so that larger trees (36” DBH or greater) were given a value of 1.25 was suggested (the current code has trees with a DBH of 50” or greater assigned to this value). As staff began the analysis, it quickly became apparent that assigning trees that are 36” or larger the 1.25 value did not have the impact that was assumed. In fact, it did not alter the net trees of any of the analyzed permits. Instead of raising the tree credit values, perhaps reducing them would be more appropriate. In the examples, a reduced tree credit value coupled with the .4 tree density multiplier resulted in more trees either being saved through retention or by supplemental planting.

The following is an analysis of six previously approved tree permits. Using the approved applications the examples show: what was permitted per the code; increasing the value to 1.25 for trees with a 36” DBH or greater; and reducing all of the tree credit values. For ease of reference, the baseline of what is used for each example is shown in the tables below:

Table for 1st Example (current code)

Tree Type	Diameter Breast Height of Existing Tree	Tree Unit
Deciduous	6 to 10 inches	0.75
	Greater than 10 inches	1.0
Coniferous	6 to 10 inches	0.75
	Greater than 10 inches, but less than 50 inches	1.0
	50 inches and greater	1.25

Table for 2nd Example (36” and larger 1.25)

Tree Type	Diameter Breast Height of Existing Tree	Tree Unit
Deciduous	6 to 10 inches	0.75
	Greater than 10 inches	1.0
Coniferous	6 to 10 inches	0.75
	Greater than 10 inches, but less than 36 inches	1.0
	36 inches and greater	1.25

Table for 3rd Example (reduce all values by .25)

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

707 Overlake Drive (TREE-20-049)

This is one of the permits that Steve Wilcox discussed in his presentation. This is a property on a steep slope critical area and is a heavily wooded site.

Lot size: 19,753

Zoning: R-16

Permitted

Total Existing Tree Units: 35.5
 Total Tree Units Removed: 20.75
 Net Tree Units: 14.75
 Required Tree Units (.35): $6.9 = 7$
 Supplemental Units Required: No

Using 1.25 tree credits for trees 36” and greater and the .4 multiplier

Total Existing Tree Units: 36
 Total Tree Units Removed: 21.25 (based on updated credits)
 Net Tree Units: 14.75
 Required Tree Units (.4): $7.9 = 8$
 Supplemental Units Required: No

Reducing tree credits and the .4 multiplier

Total Existing Tree Units: 26.25
 Total Tree Units Removed: 15.5 (based on updated credits)
 Net Tree Units: 10.75
 Required Tree Units (.4): $7.9 = 8$
 Supplemental Units Required: No

Result between tree credit values – No Difference

There was no difference in increasing the tree credit value for the two trees that were 36” on this site (both of which were approved to be removed) to 1.25. Once the trees that were to be removed were subtracted from the existing tree units, there was no difference in the net tree units between the existing code and increasing the credit value for trees larger than 36”. Additionally, by reducing

the number of credits the trees are worth, they would have still been able to remove the same number of trees and have more tree credits than the minimum required. No supplemental trees would have been required under any of the examples.

Result of legacy tree removal

This project removed two 36” trees. By amending the code to include trees 36” and above, this would either have required the homeowner to amend their site plan to ensure both trees were saved (the trees were located on the outer perimeter) or would have required 72” of replacement tree caliper. If the owner did not want to amend the site plan, this would have likely resulted in the homeowner requesting to use the in-lieu of planting section of the code.

**707 Overlake Drive East
Tree Credit Analysis Table**

Description	Tree Diameter	Proposed Removal	Tree Credits Per Existing Code	Tree Credits w/ 36” DBH and larger at 1.25	Tree Credits Reduced
Madrona	6	x	0.75	0.75	0.5
Douglas Fir	6		0.75	0.75	0.5
Madrona	6		0.75	0.75	0.5
Tree	6	x	0.75	0.75	0.5
Cedar	6	x	0.75	0.75	0.5
Cedar	6	x	0.75	0.75	0.5
Deciduous	8		0.75	0.75	0.5
Tree	8	x	0.75	0.75	0.5
Hemlock	8	x	0.75	0.75	0.5
Cedar	10		0.75	0.75	0.5
Cedar	10		0.75	0.75	0.5
Deciduous	10	x	0.75	0.75	0.5
Cedar	10	x	0.75	0.75	0.5
Cedar	10	x	0.75	0.75	0.5
Cedar	12		1	1	0.75
Cedar	12	x	1	1	0.75
Douglas Fir	12	x	1	1	0.75
Madrona	12	x	1	1	0.75
Douglas Fir	14		1	1	0.75
Douglas Fir	16	x	1	1	0.75
Cedar	18	x	1	1	0.75
Douglas Fir	22	x	1	1	0.75
Deciduous	22		1	1	0.75
Douglas Fir	24		1	1	0.75
Hemlock	24		1	1	0.75
Douglas Fir	24	x	1	1	0.75
Deciduous	26		1	1	0.75
Douglas Fir	26	x	1	1	0.75

Douglas Fir	28		1	1	0.75
Douglas Fir	30	x	1	1	0.75
Douglas Fir	30		1	1	0.75
Cedar	30		1	1	0.75
Douglas Fir	30	x	1	1	0.75
Douglas Fir	32		1	1	0.75
Douglas Fir	32		1	1	0.75
Douglas Fir	32	x	1	1	0.75
Douglas Fir	32	x	1	1	0.75
Douglas Fir	36	x	1	1.25	1
Douglas Fir	36	x	1	1.25	1
TOTAL			35.5	36	26.25

7815 NE 28th ST (TREE-20-013)

Lot size: 8,120 sq. ft.

Zoning: R-16

Permitted

Total Existing Tree Units: 12
 Total Tree Units Removed: 8.25
 Net Tree Units: 3.75
 Required Tree Units (.35): $2.9 = 3$
 Supplemental Units Required: No

Using 1.25 tree credits for trees 36" and greater and the .4 multiplier

Total Existing Tree Units: 12.25
 Total Tree Units Removed: 8.5 (based on updated credits)
 Net Tree Units: 3.75
 Required Tree Units (.4): $3.2 = 4$
 Supplemental Units Required: **Yes – 1 tree**

Reducing tree credits and the .4 multiplier

Total Existing Tree Units: 8.75
 Total Tree Units Removed: 6.25 (based on updated credits)
 Net Tree Units: 2.5
 Required Tree Units (.4): $3.2 = 4$
 Supplemental Units Required: **Yes – 2 trees**

Result between tree credit values – Reducing tree credits with the .4 multiplier resulted in more trees

The net tree unit number was unchanged for what was permitted per code and increasing the tree credit value for trees over 36" to 1.25. The .4 multiplier increased the requirement of a supplemental tree by 1 tree (or this could have been achieved by retaining another tree). Having the multiplier at .4 plus reducing the tree credit value resulted in 2 additional tree credits, which again could have been accomplished by retaining two more or by supplemental planting.

Result of legacy tree removal

This project removed one 44” tree that was located in the corner of the lot. It’s possible that the site plan would have been amended so that the tree root wasn’t disturbed and the tree could remain, or that the owners would not be willing to plant 22” of replacement tree caliper and so would ask to utilize the in-lieu of planting section of the code.

**7815 NE 28th
Tree Credit Analysis Table**

Description	Tree Diameter	Proposed Removal	Tree Credits Per Existing Code	Tree Credits w/ 36” DBH and larger at 1.25	Tree Credits Reduced
Cedar	7		0.75	0.75	0.5
Douglas Fir	7		0.75	0.75	0.5
Cedar	7.2		0.75	0.75	0.5
Cedar	8		0.75	0.75	0.5
Cedar	8.5		0.75	0.75	0.5
Plum	9	x	0.75	0.75	0.5
Apple	9.5	x	0.75	0.75	0.5
Hawthorne	10	x	0.75	0.75	0.5
Plum	12.6	x	1	1	0.75
Douglas Fir	18	x	1	1	0.75
Douglas Fir	24	x	1	1	0.75
Douglas Fir	26	x	1	1	0.75
Douglas Fir	28	x	1	1	0.75
Douglas Fir	44	x	1	1.25	1
TOTAL			8.25	8.5	6.25

2000 79th Ave NE (TREE-16-013)

Lot size: 40,108 sq. ft.

Zoning: R-20

Permitted

Total Existing Tree Units: 35.5

Total Tree Units Removed: 20.5

Net Tree Units: 15

Required Tree Units (.35): 14

Supplemental Units Required: No

Using 1.25 tree credits for trees 36” and greater and the .4 multiplier

Total Existing Tree Units: 36

Total Tree Units Removed: 21 (based on updated credits)

Net Tree Units: 15

Required Tree Units (.4): 16
 Supplemental Units Required: **Yes – 1 tree**

Reducing tree credits and the .4 multiplier

Total Existing Tree Units: 26.5
 Total Tree Units Removed: 15.5 (based on updated credits)
 Net Tree Units: 11
 Required Tree Units (.4): 16
 Supplemental Units Required: **Yes – 5 trees**

Result between tree credit values – Reducing tree credits with the .4 multiplier resulted in more trees

Once again, the net tree unit number was unchanged for what was permitted and increasing trees over 36” to a 1.25 tree credit. The multiplier of .4 increased the requirement of a supplemental tree by 1 tree (or this could have been achieved by retaining another tree). Having the multiplier at .4 plus the reduced tree credit value resulted in 5 additional trees, which could have been accomplished by retaining more trees or by supplemental planting.

Result of legacy tree removal

This project removed one 36” tree and one 38” tree, both of which were located well outside of the building envelope. Due to their locations, it is staff’s opinion that both of these trees were removed to improve the view of the golf course. Lowering the legacy tree requirements would have possibly made the owners reconsider removing these trees, or they would have most likely requested to use the in-lieu of planting section to not have to plant 74” of replacement tree caliper.

**2000 79th Avenue NE
 Tree Credit Analysis Table**

Description	Tree Diameter	Proposed Removal	Tree Credits Per Existing Code	Tree Credits w/ 36” DBH and larger at 1.25	Tree Credits Reduced
Dogwood	6	x	0.75	0.75	0.5
Dogwood	6	x	0.75	0.75	0.5
Dogwood	6	x	0.75	0.75	0.5
Dogwood	6	x	0.75	0.75	0.5
Dogwood	6		0.75	0.75	0.5
Dogwood	6		0.75	0.75	0.5
Dogwood	8	x	0.75	0.75	0.5
Dogwood	8	x	0.75	0.75	0.5
Dogwood	8		0.75	0.75	0.5
Dogwood	9		0.75	0.75	0.5
Douglas Fir	10		0.75	0.75	0.5
Cherry	12		0.75	0.75	0.5
Ash	12		0.75	0.75	0.5
Ash	14	x	0.75	0.75	0.5

Cherry	15	x	1	1	0.75
Douglas Fir	16	x	1	1	0.75
Magnolia	16		1	1	0.75
Douglas Fir	16		1	1	0.75
Birch	16		1	1	0.75
Maple	17		1	1	0.75
Cedar	18	x	1	1	0.75
Douglas Fir	18		1	1	0.75
Douglas Fir	18	x	1	1	0.75
Douglas Fir	20	x	1	1	0.75
Cherry	20	x	1	1	0.75
Douglas Fir	24		1	1	0.75
Douglas Fir	24		1	1	0.75
Douglas Fir	24		1	1	0.75
Douglas Fir	25	x	1	1	0.75
Douglas Fir	26	x	1	1	0.75
Douglas Fir	30	x	1	1	0.75
Douglas Fir	30	x	1	1	0.75
Douglas Fir	30	x	1	1	0.75
Douglas Fir	32		1	1	0.75
Douglas Fir	32	x	1	1	0.75
Douglas Fir	35	x	1	1	0.75
Hemlock	36	x	1	1	0.75
Cedar	38	x	1	1.25	1
TOTAL			35.5	36	26.25

1306 Evergreen Point Road (TREE-17-033)

Lot size: 16,364 sq. ft.

Zoning: R-16

Permitted

Total Existing Tree Units: 22.75

Total Tree Units Removed: 14.5

Net Tree Units: 8.25

Required Tree Units (.35): 5.7=6

Supplemental Units Required: No

Using 1.25 tree credits for trees 36” and greater and the .4 multiplier – *this property had no trees larger than 36”*

Total Existing Tree Units: 22.75

Total Tree Units Removed: 14.5 (no trees 36” or larger)

Net Tree Units: 8.25

Required Tree Units (.4): 6.5=7

Supplemental Units Required: No

Reducing tree credits and the .4 multiplier

Total Existing Tree Units: 16.75
 Total Tree Units Removed: 10.75 (no trees 36” or larger)
 Net Tree Units: 6
 Required Tree Units (.4): 6.5=7
 Supplemental Units Required: **Yes – 1 tree**

Result between tree credit values – Reducing tree credits with the .4 multiplier resulted in more trees

Although there were no trees that were 36” or larger on this site, the increased multiplier and reduced tree credit value did result in an additional tree.

Result of legacy tree removal

This project did not have any legacy trees.

**1306 Evergreen Point Road
 Tree Credit Analysis Table**

Description	Tree Diameter	Proposed Removal	Tree Credits Per Existing Code	Tree Credits w/ 36” DBH and larger at 1.25	Tree Credits Reduced
Dogwood	6		0.75	0.75	0.5
Dogwood	6		0.75	0.75	0.5
Dogwood	6		0.75	0.75	0.5
Dogwood	6	x	0.75	0.75	0.5
Dogwood	6	x	0.75	0.75	0.5
Dogwood	6		1	1	0.75
Dogwood	8	x	1	1	0.75
Dogwood	8	x	1	1	0.75
Dogwood	8	x	1	1	0.75
Dogwood	9	x	1	1	0.75
Douglas Fir	10		1	1	0.75
Cherry	12	x	1	1	0.75
Ash	12	x	1	1	0.75
Ash	14		1	1	0.75
Cherry	15	x	1	1	0.75
Douglas Fir	16	x	1	1	0.75
Magnolia	16	x	1	1	0.75
Douglas Fir	16		1	1	0.75
Birch	16	x	1	1	0.75
Maple	17	x	1	1	0.75
Cedar	18	x	1	1	0.75
Douglas Fir	18		1	1	0.75
Douglas Fir	18		1	1	0.75
Douglas Fir	20	x	1	1	0.75

TOTAL			22.75	22.75	16.75
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1221 Evergreen Point Road (TREE-18-013)

Lot size: 65,556 sq. ft.

Zoning: R-30

Permitted

Total Existing Tree Units: 79.5
 Total Tree Units Removed: 29.75
 Net Tree Units: 49.75
 Required Tree Units (.35): 22.9=23
 Supplemental Units Required: No

Using 1.25 tree credits for trees 36” and greater and the .4 multiplier

Total Existing Tree Units: 79.5
 Total Tree Units Removed: 29.79 (no trees 36” or larger being removed)
 Net Tree Units: 49.75
 Required Tree Units (.4): 26.22=27
 Supplemental Units Required: No

Reducing tree credits and the .4 multiplier

Total Existing Tree Units: 59.25
 Total Tree Units Removed: 22 (no trees 36” or larger being removed)
 Net Tree Units: 37.25
 Required Tree Units (.4): 26.222=27
 Supplemental Units Required: No

Result between tree credit values – No Difference

Due to the size of the lot and the number of existing trees, there was neither a difference in having the trees that were 36” on this site (all of which were kept) have a tree credit of 1.25, nor was there any difference in reducing the tree credit values. No supplemental trees were required for any of the analyses.

Result of legacy tree removal

This project did not remove any legacy trees.

**1221 Evergreen Point Road
 Tree Credit Analysis Table**

Description	Tree Diameter	Proposed Removal	Tree Credits Per Existing Code	Tree Credits w/ 36” DBH and larger at 1.25	Tree Credits Reduced
Cedar	6		0.75	0.75	0.5
Hazelnut	6	x	0.75	0.75	0.5
Cedar	6		0.75	0.75	0.5
Cedar	6		0.75	0.75	0.5

Cedar	6		0.75	0.75	0.5
Cedar	6		0.75	0.75	0.5
Cedar	6		0.75	0.75	0.5
Cedar	6		0.75	0.75	0.5
Cedar	6		0.75	0.75	0.5
Cedar	6.5	x	0.75	0.75	0.5
Cedar	8		0.75	0.75	0.5
Cedar	8		0.75	0.75	0.5
Apple	8	x	0.75	0.75	0.5
Cedar	8	x	0.75	0.75	0.5
Cedar	8		0.75	0.75	0.5
Hazelnut	8		0.75	0.75	0.5
Hazelnut	8		0.75	0.75	0.5
Ash	8		0.75	0.75	0.5
Maple	8		0.75	0.75	0.5
Cedar	9	x	0.75	0.75	0.5
Cedar	9		0.75	0.75	0.5
Cedar	9		0.75	0.75	0.5
Cedar	9		0.75	0.75	0.5
Cedar	9		0.75	0.75	0.5
Cedar	9		0.75	0.75	0.5
Cedar	9		0.75	0.75	0.5
Cedar	10		1	1	0.75
Cedar	10		1	1	0.75
Cedar	10		1	1	0.75
Douglas Fir	10		1	1	0.75
Douglas Fir	10		1	1	0.75
Douglas Fir	10		1	1	0.75
Douglas Fir	10	x	1	1	0.75
Cedar	10		1	1	0.75
Hawthorn	10	x	1	1	0.75
Douglas Fir	10	x	1	1	0.75
Douglas Fir	10	x	1	1	0.75
Cherry	10		1	1	0.75
Ash	10		1	1	0.75
Dogwood	10		1	1	0.75
Maple	10		1	1	0.75
Douglas Fir	11		1	1	0.75
Hemlock	11	x	1	1	0.75
Cedar	11		1	1	0.75
Douglas Fir	12		1	1	0.75
Cedar	12		1	1	0.75
Cedar	12		1	1	0.75
Cedar	12		1	1	0.75
Dogwood	12	x	1	1	0.75
Dogwood	12	x	1	1	0.75

Plum	12	x	1	1	0.75
Douglas Fir	12	x	1	1	0.75
Madrone	12		1	1	0.75
Madrone	12		1	1	0.75
Hawthorn	12		1	1	0.75
Cedar	13		1	1	0.75
Yew	13	x	1	1	0.75
Douglas Fir	15		1	1	0.75
Douglas Fir	15		1	1	0.75
Apple	15	x	1	1	0.75
Cedar	16	x	1	1	0.75
Cedar	16		1	1	0.75
Douglas Fir	16		1	1	0.75
Apple	16	x	1	1	0.75
Apple	16	x	1	1	0.75
Douglas Fir	16		1	1	0.75
Cedar	17	x	1	1	0.75
Douglas Fir	18		1	1	0.75
Cherry	18	x	1	1	0.75
Cedar	20		1	1	0.75
Cottonwood	20	x	1	1	0.75
Cedrus	22	x	1	1	0.75
Cypress	22	x	1	1	0.75
Douglas Fir	23		1	1	0.75
Cedar	23	x	1	1	0.75
Cedar	23	x	1	1	0.75
Cedar	26	x	1	1	0.75
Cedar	27	x	1	1	0.75
Cedar	27	x	1	1	0.75
Cedar	35	x	1	1	0.75
Cedar	35	x	1	1	0.75
Douglas Fir	36		1	1.25	1
Maple	36		1	1.25	1
Cottonwood	36		1	1.25	1
Cottonwood	36		1	1.25	1
Cottonwood	38		1	1.25	1
TOTAL			79.5	80.75	59.25

2626 78th Avenue NE (TREE-20-008)

Lot size: 8,120 sq. ft.

Zoning: R-16

Permitted

Total Existing Tree Units: 10

Total Tree Units Removed: 7

Net Tree Units: 3
 Required Tree Units (.35): 3
 Supplemental Units Required: No

Using 1.25 tree credits for trees 36” and greater and the .4 multiplier

Total Existing Tree Units: 10.5
 Total Tree Units Removed: 7.5
 Net Tree Units: 3
 Required Tree Units (.4): 3.2=4
 Supplemental Units Required: **Yes – 1 tree**

Reducing tree credits and the .4 multiplier

Total Existing Tree Units: 8
 Total Tree Units Removed: 5.75
 Net Tree Units: 2.25
 Required Tree Units (.4): 3.2=4
 Supplemental Units Required: **Yes – 2 trees**

Result between tree credit values – Reducing tree credits with the .4 multiplier resulted in more trees

Again, assigning trees 36” or larger a tree credit of 1.25 did not result in much of a difference. However, the increased multiplier along with a reduction in tree credit value resulted in two additional trees, which could have been satisfied by either retaining two more trees or supplemental plantings.

Result of legacy tree removal

This project removed one 38” tree and one 39” tree. The 39” tree was located in the front of the property and the 38” was located in the rear building envelope. It’s possible that the 39” tree would have been saved but the 38” would have only been saved with a redesign of the house and possibly some sort of variance for setbacks. If the owner elected to have both trees removed, a small lot (8,120 sq. ft.) could not reasonably support 77” of replacement tree caliper and so they would have had to request the in-lieu of planting section.

**2626 78th Ave NE
 Tree Credit Analysis Table**

Description	Tree Diameter	Proposed Removal	Tree Credits Per Existing Code	Tree Credits w/ 36” DBH and larger at 1.25	Tree Credits Reduced
Cedar	10		1	1	0.75
Douglas Fir	15		1	1	0.75
Douglas Fir	16	x	1	1	0.75
Douglas Fir	17		1	1	0.75
Douglas Fir	17	x	1	1	0.75
Douglas Fir	26	x	1	1	0.75

Douglas Fir	29	x	1	1	0.75
Douglas Fir	33	x	1	1	0.75
Douglas Fir	38	x	1	1.25	1
Douglas Fir	39	x	1	1.25	1
TOTAL			10	10.5	8

Conclusions for reducing legacy trees to 36” or greater

Throughout the analysis of tree permits this year, it has been fairly evident that if a property is heavily wooded the homeowner can cut down a large number of trees; no slight modification or tweaking of numbers is going to change that. This is evidenced by the analysis of 707 Overlake Drive and 1221 Evergreen Point Road, both of which were heavily wooded and both of which were able to remove a large number of trees as a result. It is staff’s opinion that putting in place priorities for areas of retention should help curb the clear-cut complaints that are received. However, if after five or so more years this does not create the intended result, then the city should perhaps consider either varying tree retention requirements based on lot size or existing on-site canopy.

In analyzing six approved tree permits, raising the credit for trees that are 36” or larger to 1.25 credits did not seem to have the impact that was hypothesized at the March meeting. Permits where larger trees had been removed would not have been hindered by this additional .25 tree credit value. It’s possible that a change like that might encourage someone to save one or two additional trees, but ultimately the impact would be minimal. On average, increasing the tree density multiplier from .35 to .4 (which was voted unanimously to recommend in March) will have the result of requiring an additional tree. Reducing the tree credit values by .25 seems to result in more trees either being saved or requiring supplemental plantings more often.

Reducing the DBH of what qualifies as a legacy would require those trees to follow the legacy tree protection measures (MMC 20.52.120) which includes the replacement section. Large lots would be able to accommodate at least some of the replanting that is required more often than small lots.

The specific tree species that the city requires/encourages (COMPLETED – APPROVED MARCH 23rd: 4-0)

The list of significant trees will stay. The only caveat will be for the list to perhaps be updated at the staff level in the future, and for the list to be put back into the code.

The role of natural loss

Staff is unclear how to integrate this consideration, whether it should be a clause in the code or just generally something to think about during these discussions.

Long-term survival rates and enforcement

The code does say that owners are responsible for ensuring that the supplemental trees remain viable for 5 years, however there is no mechanism for enforcement or follow-up. There has been

concern raised on the logistics and cost of site visits after a project is finalized if we were to add an enforcement section. However, Planning Commission is a recommending body and it is ultimately up to Council to decide what should and should not be included.

Numerical tree replacement requirement; Location of trees, both removal and replacement; Making sure the code is simple and flexible

Large Lot (+20,000 sq. ft.) Considerations

Large lots (anything 20,000 square feet or larger) statistically have more trees than smaller lots. This should not be surprising, nor should it be surprising that these larger, more heavily wooded lots are able to cut down more trees. In the future, and with another tree canopy assessment, it would be reasonable to do an analysis and require coverage or the density ratio based on lot size, however this is currently outside of the scope and timeframe for this amendment. One of the complaints often heard is the perceived ‘clear cutting’ that these larger lots seemingly are able to accomplish. One of the ways to address this is to require a percentage of the retained trees to be located within the setbacks in the following prioritized locations: front yard, rear yard, side yard. Staff is of the opinion that this type of requirement would not be appropriate for smaller lots that may only have two or three trees to begin with.

Update Density Ratio to .4 (COMPLETED – APPROVED MARCH 23rd: 4-0)

The increase in the density ratio requirement from .35 to .4, as was recommended by the city arborist and staff, was approved.

Draft Code

For ease of identifying what’s new, the code language that is existing but has been moved to a new section is underlined, while the completely new language is red and underlined.

20.52.110 Tree retention requirements priorities.

~~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 of the following:~~

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

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

~~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 or~~

~~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 or~~

~~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.~~

A. The retention of healthy significant trees shall be taken into account in accordance with the following guidance:

1. Achieving the required tree density ratio pursuant to Table 20.52.130(B) shall be included as a primary step in site planning. Site design strategies and specific

development site areas targeted for retention shall be presented at the pre-application meeting with the city.

2. Trees shall be incorporated as a site amenity with a strong emphasis on tree protection. To the extent possible, forested sites should retain their forested look, value, and function after development.
3. Trees should be protected within vegetated islands and stands rather than as individual, isolated trees scattered throughout the site.
4. Trees to be retained shall be healthy and wind-firm as identified by a qualified arborist.
5. The grading plan shall be developed to accommodate existing trees and avoid significant alteration to the grades around the existing trees that are to be retained as part of a tree retention plan.

B. A tree retention plan shall be prepared with consideration of the following retention priorities. The priorities of which significant trees are to be retained shall be based upon the site conditions, the recommendations from a qualified arborist, and the following objectives:

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 20 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 DBH.

C. For lots larger than 20,000 square feet, excluding lots within the shoreline jurisdiction as provided in MMC 20.66.050, the tree density ratio shall be meet in the following way:

1. At least 25 percent of the required significant trees as determined by MMC 20.52.130 shall be retained within the site perimeter in the following order of priority:
 - a. Within the first 20 feet of the front property line.
 - b. Within the first 20 feet of the rear property line.
2. At least 15 percent of the required significant trees as determined by MMC 20.52.130 shall be retained within the site interior.

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~~24-inch diameter breast height size and located within the footprint of the principal building on the lot.

G. For the purpose of calculating tree retention, critical areas and their associated buffers shall be excluded from the site area used for calculation. Critical areas shall be limited to wetlands, streams, geologically hazardous areas, conservation easements, and their associated buffers as described in Chapters 20.50 and 20.67.

20.52.120 Legacy and exceptional tree protection measures.

This section applies to trees designated as legacy and exceptional 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 exceptional trees within the shoreline jurisdiction are regulated in MMC 20.66.050.

A. A legacy or exceptional tree ~~meeting all of the following criteria~~ shall be designated ~~as a legacy tree by meeting all of 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

~~4d.~~ The tree is not:

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

bii. 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

eiii. 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.

2. Exceptional 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; and

d. The tree is not:

i. A hazard tree pursuant to MMC 20.52.200; or

ii. 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

iii. 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 exceptional 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 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~~

~~3b.~~ 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)(~~a~~) 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 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>

Do we need an example here of how to calculate the replacement inches using the table???

2. Exceptional tree:

- a. The quantity of replacement trees is calculated by multiplying the diameter breast height of the subject exceptional tree by 100 percent to establish the minimum number of replacement inches; and
- b. When more than one exceptional tree is removed, the placement inches for each exceptional tree being removed shall be added together to produce a total number of tree replacement inches; and
- c. 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)(2)(a) and (b) of this section.

C. In lieu of planting the replacement trees prescribed in subsection (B) of this section, an applicant may satisfy the tree replacement requirements by If the city arborist determines there is insufficient area to replant on-site or within the adjacent public right-of-way, the city arborist 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 in subsection (B) of this section; or
- 2. Tree replacement or management provided within public right-of-way or a city park in the vicinity will be of greater benefit to the community.
- 13. ~~Planting at least three~~ Three replacement trees for each legacy tree removed are planted; and
- 24. ~~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~~ 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. Any fee-in-lieu requires an explicit written agreement between the city and the applicant.

36. The sum of the tree replacement inches accounted for by contributing to the Medina tree fund fee-in-lieu 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.

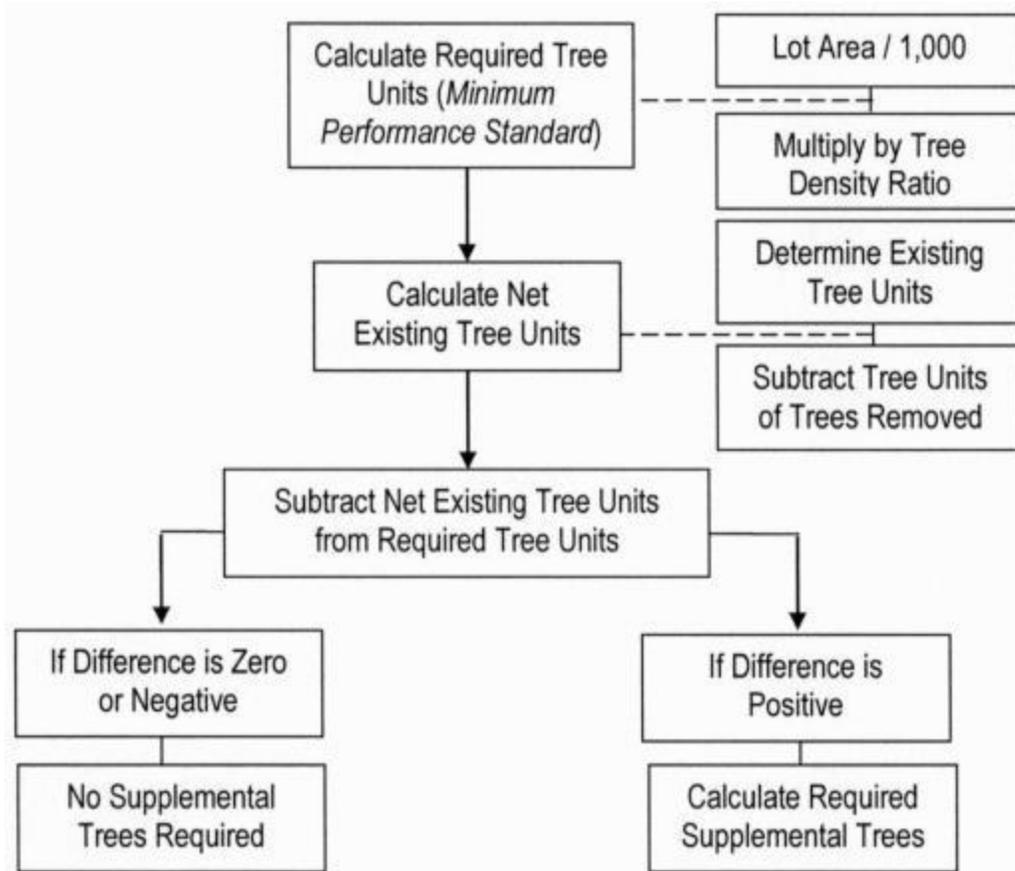
D. Other Provisions.

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 tree 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 tree shall not be used to satisfy requirements for removing nonlegacy trees or a pre-existing tree unit gap;
4. If the minimum performance 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-C), (B), (C), and (E)~~ are acceptable alternatives to on-site replacement tree planting.

20.52.130 Minimum performance 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 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	<u>0.3540</u>
	Golf Course	0.15
	Nonresidential other than specifically listed	0.25

Zoning District	Category of Land Use	Tree Density Ratio
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
Coniferous	6 to 10 inches	0.75
	Greater than 10 inches, but less than 50 inches	1.0
	50 inches and greater	1.25

Table to be discussed/clarified

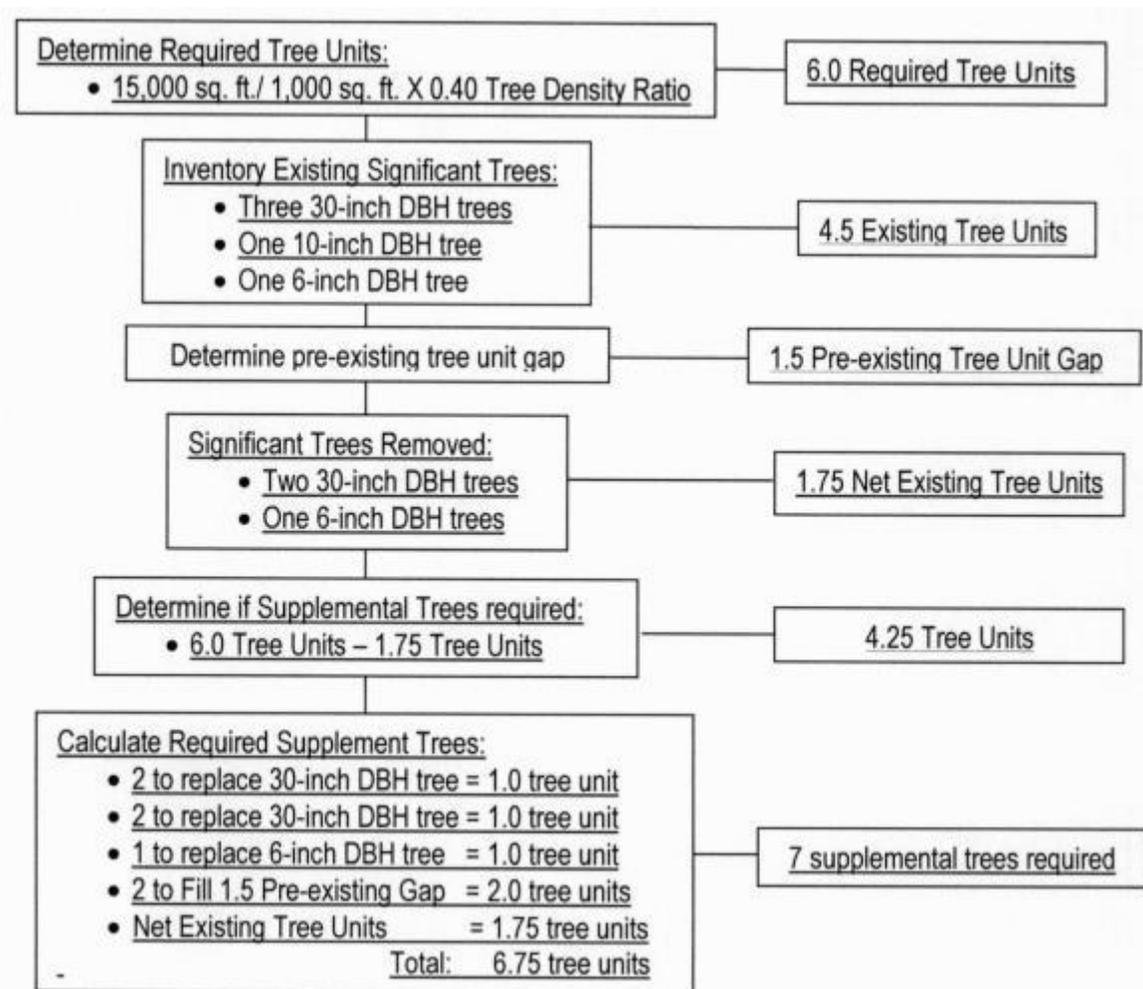
D. If supplemental trees are required, the quantity of trees is determined by applying the following procedures:

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 (C) 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. 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 Chapters 20.50 and 20.67;

b. Within the site perimeter in the following order of priority:

i. Within the first 20 feet of the front property line.

ii. Within the first 20 feet of the rear property line.

c. Adjacent to a low impact development (LID) stormwater facility;

d. Within the immediately adjacent right-of-way.

2. Off-site. An owner may elect to plant the required trees at another approved location in 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 within the jurisdiction over the off-site location;

e. Any other property determined appropriate by the director.

3. Fee-in-Lieu. If the city arborist determines there is insufficient area to replant on-site or within the adjacent public right-of-way, the city arborist may authorize payment of a fee-in-lieu provided:

a. There is insufficient area on the lot or adjacent right-of-way for proposed on-site tree replacement to meet the tree replacement requirements of this chapter; or

b. Tree replacement or management provided within public right-of-way or a city park in the vicinity would be of greater benefit to the community.

c. Fees provided in lieu of on-site tree replacement shall be determined based upon:

i. The expected tree replacement cost including labor, materials, and maintenance for each replacement tree; and

ii. The most current Council of Tree and Landscaper Appraisers Guide for Plant Appraisal.

d. Any fee-in-lieu requires an explicit written agreement between the city and the applicant.

D. An owner may select to apply a combination of planting trees on site, off site and/or fee-in-lieu 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 an existing tree on the property where the off-site tree is located.