Issue/Commissioner	Discussion Notes	Issue Status
1. Hazardous Trees (Commissioners Knopf and Captain)	PC Comments How are hazardous trees defined? Public Comments Staff Comments Hazardous trees are defined as, "*A tree that is so affected by a significant structural defect or disease, that falling or failure appears imminent, or a tree that impedes safe vision or traffic flow, or that otherwise currently poses a threat to life or property.*" This definition has been modified to remove dead trees as hazardous trees. There is a new definition for dead trees. Hazardous trees can sometimes be readily identifiable given their lean or obvious visual structural defect. Other times, hazardous trees are not readily apparent, and an arborist report could be required. Such might be the case with trees that have root rot or internal disease.	Opened *9/29/2021* Closed *10/13/2021*
2. Landmark Trees (Commissioners Knopf and Captain)	PC Comments What is the process for landmark tree removal? Should there be enhanced fines for their removal? Public Comments Staff Comments People wanting to remove landmark trees must apply for an Exception. This process is being changed to a Deviation to be consistent with Zoning Code terminology. The Tree Regulations contain review criteria for granting these	Opened *9/29/2021* Closed *10/13/2021*

Issue/Commissioner	Discussion Notes	Issue Status
	requests. There are no associated fees with these requests. [RZC 21.72.100 (p. 14); Note: Need to renumber this section to RZC 21.72.080.] The proposed regulations include increased fines, in both the size of replacement trees and monetarily, for illegal tree removal. [RZC 21.72.110 (p.15)]	
3. Tree Removal Permits (Commissioner Knopf)	<u>PC Comments</u> What is the cost to remove an invasive species through a tree removal permit? <u>Public Comments</u> <u>Staff Comments</u> Tree removal permits are required for removal of significant trees. Significant trees are healthy trees (regardless of species) six-inches in diameter-at-breast-height or larger. The City does not have tree removal permit fees. These permits are free.	Opened *9/29/2021* Closed *10/13/2021*
4. Replacement Trees (Commissioners Varadharajan and Captain)	<u>PC Comments</u> Consider replacement of dying trees. Mature trees die for various reasons – age, climate change, infestation. What happens to the replenishment rate? Create an appendix that identifies different types of replacement tree species, addressing native trees, drought tolerant trees, disease resistant trees, etc. This could be a companion document along with graphics. How are tree replacement plantings enforced? Are the other alternatives to replacement tree species other than the classic big leaf maples and evergreens? For instance, would fruit trees qualify?	Opened *9/29/2021* Closed *10/12/2021*

Issue/Commissioner	Discussion Notes	Issue Status
	Make sure we keep the tree canopy we have is kept. Need to understand the consequences of dying trees. What does that mean for the tree canopy? Consider a strategy specifically for dying landmark trees or those trees in specific geospatial areas, such as a green belt or heat sink. How do we address temporary problems, such as infestation of a specific tree, or response to climate change? (10/13/2021) However, be careful not to overregulate. Impact on an average homeowner is a valid concern. There are also manpower challenges to implement such a requirement. (10/13/2021) (10/27/2021) Ensure the City has a strategy to replenish trees in event of a large scale die off due to drought, climate change, etc. Establish guidance on how to achieve a massive replanting. This could be an element of the Tree Canopy Strategic Plan. (10/27/2021) <u>Public Comments</u> <u>Staff Comments</u> Currently, the proposal does not require replacement of dead trees. Staff agrees that a companion document regarding replacement trees would be beneficial to the public. Tree replacement plantings for tree removal permits are on the honor system. The City does not have the capacity to follow-up on every tree planted.	

Issue/Commissioner	Discussion Notes	Issue Status
	However, replacement trees required as a result of development proposals are enforced through site inspections and bonding as required in RZC 21.76.090.F. Replacement trees are primarily native species. Coniferous trees are replaced with coniferous trees. Deciduous trees are replaced with either coniferous or deciduous trees. If an ornament tree is removed, then it may be replaced with another ornamental tree. [RZC 21.72.040.C.3 (p.6)] The proposed regulations include a 1:1 tree replacement for hazardous trees. This would likely include some dying trees. Requiring replacement of dying trees could put an additional burden onto property owners as well as staff regarding implementation. (10/13/2021) Consequences of dying trees was not an element of the Tree Canopy Strategic Plan. There is a natural successional cycle to trees. At one point, Forterra had performed a forest health assessment as part of our Green Redmond Partnership. https://forterra.org/wp-content/uploads/2015/05/FINAL_GRP_20_YP_InDesign_FORWEB.pdf Undertaking a study to specifically address the impacts of dying trees on the tree canopy would require staff time and is beyond the scope of the Tree Regulations Update. (10/13/2021) Staff discussed the request to create a tree planting strategy in the event of a massive die off and suggested appropriate language be included in the Commission's report to the City Council regarding this topic. (10/27/2021)	

Issue/Commissioner	**Discussion Notes**	**Issue Status**
5. Tree Topping (Commissioner Captain)	PC Comments How is tree topping addressed? Concur it's appropriate to define tree topping and consider tree topping the same as removal, thus requiring remediation. Public Comments Staff Comments The proposal includes a new definition for topping. "*Cutting the branches and/or leader of a tree in a manner that destroys the existing symmetrical appearance or natural structure of the tree and involves the removal of main lateral branches and leaving the trunk of the tree or major branches of the tree with a stub appearance. This does not include pruning fruit trees to encourage the production of fruit.*" In addition, it is proposed that tree topping will be considered tree removal and subject to remediation. [RZC 21.72.120.B]	Opened *9/29/2021* Closed *10/13/2021*
6. Growth Data and Canopy Coverage (Commissioner Captain)	PC Comments Does the City have tree canopy data for 1998? It would be interesting to know if there has been a loss in tree canopy that covers the population/housing/jobs horizon (1998-2020) that was presented. Additionally, is there information on canopy coverage for the contiguous city (exclusive of the Redmond Watershed)? Public Comments Staff Comments	Opened *9/29/2021* Closed *10/13/2021*

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	The City does not have tree canopy coverage for 1998; 2009 is the City's first data set. The pixilation of earlier aerial photographs and current tool sophistication won't yield satisfactory reports. The quality is not there to perform the analysis. The City receives new aerial photography every two years and acquires LiDAR every ten years. The most recent tree canopy coverage data is from 2019. Contiguous city tree canopy coverage is roughly 33%. This number jumps to approximately 38% when including the Redmond Watershed. Although we do not have benchmarking data from 1998, the City does have canopy data that shows a rate loss from 2009-2017 of roughly 135 acres, or approximately 1.3%. (10/13/2021)	
7. Single Family Homeowners and Development Tension (Commissioner Nichols)	<u>PC Comments</u> Recognizes tension between not wanting developers to remove trees and single-family homeowners who do not want to be regulated on tree removal. <u>Public Comments</u> <u>Staff Comments</u> Acknowledged.	Opened *9/29/2021* Closed *10/13/2021*
8. Fallen Trees Due to Environmental Conditions (Commissioner Nichols)	<u>PC Comments</u> Do trees that fall due to saturated ground and windstorms need to be replaced? <u>Public Comments</u>	Opened *9/29/2021* Closed *10/13/2021*

Issue/Commissioner	Discussion Notes	Issue Status
	Staff Comments Technically, trees that have fallen due to environmental conditions are no longer considered significant trees by definition and would not be required to be replaced. [RZC 21.78, Definitions]	
9. Incentives to Save Trees (Commissioner Nichols)	PC Comments Is there a way to incentivize developers to retain trees? For instance, is there the ability to reduce required parking in exchange for saving more trees? Surface parking lots, in particular, reduce available space to plant trees. Public Comments Staff Comments The existing and proposed Tree Regulations include a section on incentives for higher levels of tree protection. It points to the Administrative Design Flexibility and Green Building Incentive Programs found elsewhere in the Zoning Code. A discussion of other incentives is welcomed. [RZC 21.72.030.F (p.5)] The City is currently updating parking policies and regulations as part of Redmond 2050, including exploring areas where parking can be reduced or eliminated. This work is focused on the urban centers and areas close to frequent transit (roughly a ten-minute walk). Staff considered how linking tree retention and parking reductions might be accomplished and concluded that the greatest potential is in non-urban center, non-single-family areas of the city. RZC 21.40.010.D.2 allows the Administrator to approve alternative minimum parking requirements based on a parking study. This could be an avenue for reduced parking for saving more trees than the minimum required. For	Opened *9/29/2021* Closed *10/27/2021*

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	instance, it could be proposed that if a development saves 40% of the significant trees, they automatically get a certain percentage reduced from the minimum parking requirement. However, staff has not had an opportunity to analyze ideas like these and so proposes to consider them separately from this package of amendments. Additionally, environmental review and public notices did not include amending the City's parking regulations. (10/13/2021)	
10. Tree Planting Incentive Programs (Commissioners Captain and Varadharajan)	<u>PC Comments</u> Does the City have any programs to incentivize tree planting on private property? The City should explore opportunities to get kids involved. Parks could team up with the school district periodically as an avenue to get children to participate for the future benefit of the City. This ethic could be cultivated. Explore a partnership with the King Conservation District. (10/13/2021) <u>Public Comments</u> <u>Staff Comments</u> The Tree Canopy Strategic Plan includes tree planting strategies on private property in the context of a residential tree giveaway, or "treebate" type program. The concept wasn't funded in the 2019-20 budget and staff didn't attempt to request funding last year, given the COVID budget shortfalls. The Plan explored turnkey programs in which an organization, such as Forterra, would run the program which includes purchasing trees, advertising to the citizens, and organizing a pick-up location. The "treebate" or coupon-system would occur in partnership with nurseries and have the added benefit of an educational component when selecting trees.	Opened *9/29/2021* Closed 10/13/2021

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	The City holds events through the Green Redmond Partnership with Forterra. Plantings were on hold due to Covid. However, one is scheduled on October 30th to celebrate Green Redmond Day. Additionally, the City contracts with the Washington Conservation Corps for invasive species control and plantings in critical areas. Partnerships with groups like Adopt-A-Stream Foundation, Mountains to Sound, Mid-Sound Fisheries, King Conservation District and others could also be explored.	
11. Industry standard for tree size measurement (Commissioner Nichols)	PC Comments Would like confirmation that measuring trees at Diameter at Breast Height (4-1/2 feet) is the industry standard. Public Comments Staff Comments Staff has confirmed with City Parks arborists that the current industry standard for tree size measurement is taken at Diameter at Breast Height, (four and one-half feet above ground surface).	Opened *10/13/2021* Closed *10/27/2021*
12. Preserved Trees (Commissioner Varadharajan)	PC Comments Where are trees in heat islands, green belts, Native Growth Protection Easements/Areas, etc. located? How are they being cared for? These areas should be kept wild. Public Comments	Opened *10/13/2021* Closed *10/21/2021*

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	Staff Comments The City has an internal GIS layer that contains Native Growth Protection Easements. However, this map may not necessarily identify all critical areas with trees. Some areas are not developable due to environmental restrictions but may also not have protective easements. Regarding heat islands, the City is currently preparing a climate vulnerability assessment to help understand the ways climate change will likely impact Redmond - including extreme heat - and also identify the ways we can proactively prepare for those impacts. The preliminary findings will be brought to the Environmental Sustainability Advisory Committee on October 28th for discussion if you would like to learn more. The final report will be presented to Council during Q1 2022. King County is working on a heat mapping project. Information can be found at: https://kingcounty.gov/depts/dnrp/newsroom/newsreleases/2020/July/27-Heat-Mapping-Project.aspx	
13. Single Family Tree Removal Permits' Tree Replacement Requirement (public testimony)	PC Comments Interesting idea to pay up front into a tree fund, similar to a tree bank, which can function as a community resource. Make the ability to pay into the tree fund more obvious to those seeking tree removal permits. However, homeowners also need to take responsibility in reaching out to the City when seeking tree removals. Commissioners asked about how the tree fund operates as well as background questions on identifying tree bank sites. Public Comments	Opened *11/10/2021* Closed *12/15/2021*

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	Replacing trees on a single-family lot as a result of tree removal permits can become problematic space-wise. Consider collecting money up front to be placed in the tree fund (donation or requirement) to alleviate planting challenges and ensure the trees are being replaced. (Bob Yoder oral testimony and 11/1/2021 & 11/8/2021 written testimony) <u>Staff Comments</u> The City currently has a Tree Fund, which is set up and governed under RZC 21.72.040.E.3 (p.7). However, the idea of a tree mitigation bank and identifying a location or locations up front would be a helpful tool in implementing this aspect of the code. It will involve additional staff time, but will provide benefits in the long run, and is identified as Strategy E2 in Tree Canopy Strategic Plan. The tree fund is currently established. Funds collected from fee-in-lieu payments support this fund. A cross-departmental team oversees the fund and periodically spends money on tree plantings.	
14. Single-Family Tree Removal Permit Challenges (public testimony)	<u>PC Comments</u> Challenging when houses and trees are close to one another. Need to be reasonable on the approach to tree removal in these circumstances. Who is evaluating and assessing the trees? The City took action in removing hazardous cottonwood trees at Idylwood Park for liability reasons. The Commission reviewed this public comment issue in the context that it was one person's experience. <u>Public Comments</u> Hazardous trees drop limbs on houses and walkways. For older homes, these trees might not have qualified as significant trees at the time the home was	Opened *11/10/2021* Closed *12/15/2021*

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	constructed. If tree removal can't occur, the City should share liability if trees harm the property. If the intent of the regulation is to reward the community with tree aesthetics and be inclusive of all the ecological benefits, and the municipalities governs the lifecycle, am I the owner or more like a steward? If I am more like the owner, what responsibilities will I be held to regarding the lifecycle and equally import to liability - damage to property and injury? This is rhetorical question - I feel I've lost ownership with the regulation as practiced, I've been denied management responsibility, I should NOT bear the cost of liability if I cannot attempt to mitigate the risk. The fact is the tree is in good shape because we've removed and pruned professionally - but those operations do not provide satisfaction! The process to obtain a permit is difficult and complicated. In my experience this summer, my 4-5 applications sent by mail, sent by registered mail, sent by email, and numerous phone calls went unanswered. No response from the city. Can I use ignorance to avoid the permit process and fines? Of course not. Is the city not responsible to answer registered mail? Finally, a week ago, I secured a partial solution - and now the arborist is not available, interested, or both. I am walking a tight-rope - and I am certain to fall. I want to bestow the ability to remove my landmark trees, if/when I view them as hazardous than the (aesthetic and …) value they provide - both collectively to me as owner, and perhaps with my neighbors. I want to use common sense - including common purpose - for a shared outcome. Final point, the Redmond planner /	

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	administrator is no place to apply a regulation to situation they don't experience. They might be in a better position to facilitate the common discourse among the neighborhood to establish the situation and support the right decision. Offer guidance. Find a new path. For commercial developers and the municipalities, themselves - I look forward to more tree planting throughout the city. (Jeff Simon oral testimony and 11/10/2021 written testimony) <u>Staff Comments</u> Trees are a community asset and are regulated as such, similar to wetlands and streams. It is unfortunate that this commentor had a bad experience attempting to secure a tree removal permit. Staff strives to maintain a high level of customer service during Covid.	
15. Retention of Large Trees in Established Neighborhood Entries (public testimony)	<u>PC Comments</u> Commissioners asked for clarification on tree preservation for single family reconstruction. They also noted, from personal experience, that obtaining tree removal permits from the City is seamless but requires thorough information. This public comment is one person's perspective and may not reflect the entire situation. <u>Public Comments</u> Concern raised regarding removal of trees of great significance to a neighborhood, such as those trees at the entrance to a neighborhood. These trees are significant given the location and size, and their removal has visually destroyed the entrance. These particular trees would not have impacted the single-family home reconstruction. Tree removal permits are easy to obtain, do not require photos, and no one checks to ensure that the required	Opened *11/10/2021* Closed *12/15/2021*

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	replacement trees have been planted. Should add greater restrictions on unnecessary tree removals by homeowners. (Pamela Auerbach, 10/23/2021 written testimony) <u>Staff Comments</u> Comment acknowledged. Tree replacement plantings for tree removal permits are on the honor system. The City does not have the capacity to follow-up on every tree planted. However, replacement trees required as a result of development proposals are enforced through site inspections and bonding as required in RZC 21.76.090.F. Staff confirmed that single family reconstruction requires 35% tree retention.	
16. Hazardous Trees (public testimony)	<u>PC</u> Comments No discussion as this issue has been addressed. <u>Public Comments</u> "Hazardous trees posing a <u>hazard</u> to structures…." [RZC 21. 72.030B.6 (p.2)]. Replace "hazard" with "having an overall risk ranging of high or higher (from the Tree Health Assessment Form) when evaluating removal of hazardous trees. Also use terms consistent with ISA BMPs: "high risk" or "extreme risk" when identifying hazardous trees based upon an industry-based tree rick assessment. [RZC 21.72.060.A & C (p. 10&11)] (Favero Greenforest, 11/2/2021 written testimony) <u>Staff Comments</u> This language is been incorporated into RZC 21.72.060.C (p.11). It appears the commentor was reviewing an earlier iteration of the proposal.	Opened *11/10/2021* Closed *12/15/2021*

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17. Tree Protection Priority (public testimony)	PC Comments No discussion as this issue has been addressed. Public Comments Should emphasize healthy, long-lasting species rather than be limited by native species. Why emphasizing native conifers when there are several ornamental coniferous species that provide equal benefit, especially considering the native red cedars are dying by the thousands due to heat/drought? [RZC 21.72.030.C.1.a (p.3)] (Favero Greenforest, 11/2/2021 written testimony) How does the code address trees growing/maintained as hedges, and tree species on the King County Noxious Weed List? [RZC 21.72.120 (p.16 & 17)] (Favero Greenforest, 11/2/2021 written testimony) How long is long-lived? What if invasive or on the county's prohibited list? Native species may not always be the best now with climate change. Drought tolerant, climate adaptive plants and trees are sometimes the best alternative. [RZC 21.72.030.C.1 (p.2)] (Gina Clark, Master Builders Association of King and Snohomish Counties, 11/9/2021 written testimony) Staff Comments The first comment on emphasizing healthy, long-lasting species is incorporated into RZC 21.72.030.C.1.a (p.3). It appears the commentor was reviewing an earlier iteration of the proposal. Typically, a long-lived tree means reaching 100 years old. Right now, the proposal does not include differentiating permit requirements for trees	Opened *11/10/2021* Closed *12/15/2021*

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	considered invasive if they meet the definition of a significant tree. Staff has revised the significant tree definition to exclude trees on the KC Noxious Weed List from being considered significant.	
18. Replacement Trees (public testimony)	PC Comments Discussion about right tree in the right place and how to regulate that. This is particularly important for ADUs and housing. Perhaps staff can provide guidance. Agree with homeowner regarding needing more allowance on size at installation for deciduous trees. If hiring a landscape contractor, then could install a 2-1/2" caliper tree. Explore adding some waiver language in the regulations and modify the tree removal permit to capture whether the installation is being done by the homeowner or a contractor. Also, tree planting guidelines including plant lists would be beneficial to ensure survivability. Is there ability to use Master Gardeners as a resource? Public Comments Should not limit replacement trees to native species. Tree species native to the PNW are not inherently better at providing the benefits listed at the beginning of the regulations. It's next to impossible to find slow-growing native trees on the market that meet the required tree size at installation. [RZC 21.72.040.C.3 (p.6)] (Favero Greenforest, 11/2/2021 written testimony) RZC 21.72.040.B revised says that significant trees removed must be replaced by three new trees, but landmark trees removed must be replaced by three new trees. Seems off that these numbers are the same. We should realistically increase that number for landmark trees relative to significant trees. (p.5) (James Terwilliger, 11/2/2021 written testimony)	Opened *11/10/2021* Closed *1/12/2022*

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	Please consider meeting with homebuilders and/or arborists from the homebuilding industry to discuss the cost implications and challenges of replacing at 1:3 for significant and 1:6 for Landmark trees and how this can impact housing production. MBAKS is willing to take Commissions and Councilmembers on tour of sites to discuss development challenges and how tree retention and replanting co-exists currently with homebuilding and how it would change under this new ordinance. (Gina Clark, Master Builders Association of King and Snohomish Counties, 11/9/2021 written testimony) Just to clarify, the city is distinguishing between tree removal and impacting a tree here? Removal is 1:3, impacting a tree is 1:1? How is impacting a tree being defined? Same with landmark; removal is 1:6, impacted is 1:3? Is a hazard tree considered significant? If not, why does it need to be replaced? [RZC 21.72.040.B (p.5)] (Gina Clark, Master Builders Association of King and Snohomish Counties, 11/9/2021 written testimony) Keeping minimum sizes for tree replacement plantings flexible can be good for more dense developments in particular. It can also be good for what's in stock at any particular time in nurseries, species, etc. Sometimes it's difficult to secure certain sizes. Cost is also a factor. A six-foot in height evergreen tree is costly. And larger trees do not always equal the best to take root. Species, location, etc. are also factors to consider. [RZC 21.72.040.C (p.5&6)] (Gina Clark, Master Builders Association of King and Snohomish Counties, 11/9/2021 written testimony) Smaller size replacement trees should be considered to accommodate certain types of housing… cluster housing, townhomes, duplex, triplex, cottage	

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	housing, ADUs, where site spacing is limited and may require more flexibility for "right tree, right location" and right species. [RZC 21.72.040.C.2 (p.6)] (Gina Clark, Master Builders Association of King and Snohomish Counties, 11/9/2021 written testimony) Why is housing not included in this list identifying locations for tree replacement? Again, trees and housing need to exist together. They need to balance together. "Other factors" is a very broad category that a little bit ignores the fact that trees could be prohibiting or very much limiting the production of much needed housing. [RZC 21.74.040.E (p.6)] (Gina Clark, Master Builders Association of King and Snohomish Counties, 11/9/2021 written testimony) "Replacement trees shall be located away from areas where damage is likely or infrastructure integrity is compromised, based on standards in RZC 21.72.030.D, …." Does infrastructure include housing? [RZC 21.72.040.F.4 (p.8)] (Gina Clark, Master Builders Association of King and Snohomish Counties, 11/9/2021 written testimony) How does the City determine appropriate screening when using replacement trees? [RZC 21.72.040.F.5 (p.8)] (Gina Clark, Master Builders Association of King and Snohomish Counties, 11/9/2021 written testimony) Consider adopting more of a "right tree, right place" approach to replacement, being a little more flexible and less prescriptive to where trees must be replaced on a development site, particularly dense development sites. This will help with project design as well as the viability and health of the trees. In	

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	addition, minimum sizes are currently set at 2.5" and 6" caliper. MBAKS urges flexibility on size to accommodate sites, landscape needs, stock availability, and species diversity. (Gina Clark, Master Builders Association of King and Snohomish Counties, 11/9/2021 written testimony) <u>Staff Comments</u> Tree replacement plantings shall be primarily native trees, emphasis on primarily. [RZC 21.72.040.C.3 (p.6).] It appears the commentor was reviewing an earlier iteration of the proposal. Regarding the comment on replacement ratios, the proposal states, "A significant tree to be removed shall be replace by three new trees…. Trees that are removed which are classified as landmark shall be replaced by six new trees." [RZC 21.72.040.B (p.5)] An impacted tree is defined as, "A tree that is not being removed but which will have grading or construction within the critical root zone. An impacted tree is counted as a removed tree due to the inability to guarantee the tree and root system's health and viability." Impacted trees require a 1:1 tree replacement. Similarly, a hazardous tree also requires a 1:1 tree replacement. [RZC 21.72.040.B (p.5)] The general criteria for tree replacement alternatives have to do with the physical needs of trees. This is why housing is not included in the list. [RZC 21.72.040.E.1 (p.6)]	

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	Infrastructure does not include housing. Per the definition in the City's Zoning Code, "Facilities and services needed to sustain industrial, residential, commercial, and all other land use activities…." Replacement trees that provide screening would typically occur between non-compatible land uses. Staff could reevaluate replacement planting tree sizes at installation if the Commission so desires. The current proposal is the same as the existing regulations – 2-1/2" caliper for deciduous trees and six-feet in height for evergreen trees. [RZC 21.72.040.C.1 (p.5&6)] Staff notes that a 2-1/2" caliper deciduous tree could be difficult for a single-family homeowner since they are not readily available at nurseries and their size can be challenging to maneuver. Five to ten-gallon-sized deciduous trees may be a more reasonable alternative for the single-family homeowner. Per the Commission's direction, language has been added to the proposed regulations addressing this issue. [RZC 21.72 040.C.2 (p.6)] Information on the King County Master Gardeners can be found at: Master Gardeners of King County | King County | Washington State University (wsu.edu)	
19. Critical Root Zone (public testimony)	PC Comments No further discussion. Public Comments Critical Root Zone (CRZ) is a term of art. International Society of Arboriculturists best management practices (BMPs) state it is, "an arborist-	Opened *11/10/2021* Closed *12/15/2021*

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	defined area around a tree, and that it is subjective. There is no accepted formula to biologically define it." Distinguish CRZ from Tree Protection Zone (TPZ). CRZ is the minimum area to protect and any useful TPZ will include more than the CRZ. Use a formula to define the TPZ or at least define it to exceed the CRZ. Use terms consistent with industry BMPs so the professional does not have to choose between code and professional standards. [RZC 21.72.050.A.2 (p.9)] (Favero Greenforest, 11/2/2021 written testimony) Is the City using drip line or critical root zone? [RZC 21.72.030.D.1 (p.3)] (Gina Clark, Master Builders Association of King and Snohomish Counties, 11/9/2021 written testimony) The need to allow the Administrator to require an evaluation by a certified arborist to determine if protective measures should be required beyond the critical root zone seems unnecessary if the tree and CRZ are not being disturbed, and proper protection and safety measures are taking place. [RZC 21.72.030.D.1.c (p.4)] (Gina Clark, Master Builders Association of King and Snohomish Counties, 11/9/2021 written testimony) <u>Staff Comments</u> The comments on critical root zone and tree protection zone are worth re-evaluating as the regulations should be consistent with industry standards with respect to identifying a tree protection area. The term "dripline" is being eliminated and was an oversight in RZC 21.72.030.D.1 (p.3). The Administrator has latitude on determining whether a certified arborist may be required to determine if additional tree protection measures are warranted. [RZC 21.72.030.D.1.c (p.4)] Staff reviewed the ISA website and there are two	

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	options to determine the critical root zone. One is dripline plus a specified number of feet. The other is determined species dependent. Staff recommends the definition of Critical Root Zone (dripline plus five feet) as proposed remain.	
20. Tree Protection Barriers (public testimony)	PC Comments No further discussion Public Comments Unclear of the City's standard detail for tree protection barriers, but recommends a six-foot chain-link fence mounted to driven steel posts. [RZC 21.72.050.A.4 (p.9)] (Favero Greenforest, 11/2/2021 written testimony) Staff Comments The City's standard detail for tree protection is a six-foot chain-link fence.	Opened *11/10/2021* Closed *12/15/2021*
21. Enforcement and Remediation (public testimony)	PC Comments There was some discussion regarding the number of appraisals the applicant (code violator) should submit, some thinking two appraisals might be more reasonable. The Commission ultimately agreed that it's appropriate to use an appraised value, but the applicant should submit three separate appraisals of the tree illegally removed, with the City using the average of the appraisals to set the fine. Also, the tree value should be tied to ecosystem services. Public Comments Use a penalty and not appraised value. Base a fine on dollar per inch of DBH (like $1,000 per inch). This will alleviate opposing arborists arguing over whose appraised value is correct and will remove the subjective nature of an appraisal. You can't argue with a penalty based on a simple formula. The	Opened *11/10/2021* Closed *12/15/2021*

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	"trunk formula method" identified in the proposed regulations is called the "trunk formula technique" in the current standard (10th edition). Forcing the consulting arborists to use trunk formula technique violates the 10th edition of "Guide for Plant Appraisal." The guide requires that it is the facts of a case that determine the appraisal method and technique, and when jurisdictions mandate a specific technique, the arborist has to choose between professional ethics and code compliance. At the very least, if the regulations mandate an appraisal technique, mandate the value to whom because the value to the city will always be very different from the value to the tree cutter. [RZC 21.72.110.C (p.16)] (Favero Greenforest, 11/2/2021 written testimony) Why is there Table 21.72.110A that scales remediation by trunk width but 21.72.040.B does not make a remediation difference between significant and landmark trees? Suggests the table be the normal remediation numbering but the penalty remediation should be double that. Are these simple violations in the municipal code, or is there a level at which this rises to a misdemeanor? What's the consequence to the individual of removing a tree without the proper permit or following process? (James Terwilliger, 11/2/2021 written testimony) What fraction of tree removals are performed in compliance with the existing regulation? My observations, without fact, that there may be infractions by all - yes, even at idyll wood I see trees cut - no doubt for good cause – no replacement nearby. You can't count the grove east because, I too, have my grove of trees and that doesn't count as replacement per the regulation. And developers - I haven't seen that many replacements in my area…I see missing parkways and loss of greenery. (Jeff Simon 11/10/2021 written testimony)	

Issue/Commissioner	Discussion Notes	Issue Status
	<u>Staff Comments</u> Staff appreciates the practical use comments of using the "Guide for Plant Appraisal" as staff did not realize the subjective nature of this approach. Staff recommends reevaluating this section. [RZC 21.72.110.C (p.16)] Staff has investigated this and found the City of Newcastle addresses the potential subjectivity in approach between arborists by requiring three signed estimates (from three arborists) and taking the average of those estimates. This is an administrative aspect which could resolve this matter. Table 21.72.110A is specific to enforcement when there has been a violation to the tree regulations. (p.16) This section of the regulations makes reference to RMC Chapter 1.14, Enforcement and Penalties. The Municipal Code includes both civil and criminal violations. RZC 21.72.040.B addresses tree replacement requirements when securing a land use development application or tree removal permit. (p.5)	
22. Certified Arborist Definition (public testimony)	<u>PC Comments</u> No discussion as this issue has been addressed. <u>Public Comments</u> National Arborist Association does not provide certification for arborist. (Favero Greenforest, 11/2/2021 written testimony) <u>Staff Comments</u> This change has already been made. Commentor was reviewing an earlier iteration of the definitions.	Opened *11/10/2021* Closed *12/15/2021*

Issue/Commissioner	Discussion Notes	Issue Status
23. Diameter at Breast Height Definition (public testimony)	PC Comments No further discussion. Public Comments The existing definition does not accurately reflect the size of a tree, neither its canopy or its rootplate. Consider using quadratic mean diameter instead for multi-stemmed trees, which is the industry standard. (Favero Greenforest, 11/2/2021 written testimony) Staff Comments The definition the City uses is the one in by the Shoreline Master Program. This way the City does not have two definitions – one for the shoreline jurisdiction and one for the balance of the City.	Opened *11/10/2021* Closed *12/15/2021*
24. Landmark Tree Definition (public testimony)	PC Comments The Commission concurs with staff's clarifying language. Public Comments Landmark trees are any healthy tree over thirty inches in diameter. Does this mean 30.1" or 21.0"? Change this to, "thirty inches DBR or greater." Also, does the code discuss rounding figures? (Favero Greenforest, 11/2/2021 written testimony) Clarify the definition of a Landmark tree, stand, and if native trees are always necessarily the preferred trees given climate change. Climate adapted trees may take precedent. (Gina Clark, Master Builders Association of King and Snohomish Counties, 11/9/2021 written testimony)	Opened *11/10/2021* Closed *12/15/2021*

Issue/Commissioner	Discussion Notes	Issue Status
	Staff Comments Staff concurs with the suggested language change for clarity. The City does not round figures when determining tree diameters. A landmark tree is defined as, "any healthy tree over thirty inches in diameter." The landmark tree definition has been revised to, "Any health tree thirty inches or greater in diameter at breast height."	
25. Topping Definition (public testimony)	PC Comments No discussion as this issue has been addressed. Public Comments Replace the word "shape" with "structure." (Favero Greenforest, 11/2/2021 written testimony) Staff Comments This change has already been made. Commentor was reviewing an earlier iteration of the definitions.	Opened *11/10/2021* Closed 12/15/2021
26. Tree Definition (public testimony)	PC Comments No further discussion. Public Comments The current tree definition will include rhododendrons, cotoneaster, Osmanthus and many other species considered shrubs. Consider using a 4" DBH threshold definition rather than the 2" DBH threshold. (Favero Greenforest, 11/2/2021 written testimony) Staff Comments	Opened *11/10/2021* Closed *12/15/2021*

Issue/Commissioner	Discussion Notes	Issue Status
	The 4" versus 2" refers to species with multiple trunks. "A self-supporting woody plant characterized by one main trunk or, for certain species, multiple trunks, with a potential at maturity for a trunk diameter of two inches and potential minimum height of ten feet."	
27. Fee-In-Lieu (public testimony)	<u>PC Comments</u> The Commission asked what happens to the fee-in-lieu money. <u>Public Comments</u> RZC 21.72.040.E.3 says that fee-in-lieu is only an option now after justification given in writing. This is a good step if we keep the fee-in-lieu option. It means that these decisions must be documented. The revised fee-in-lieu amount puts the fee for significant trees at $500 and landmark trees at $2000. Glad landmark trees are given better status, but still believe $500 feels low for any significant tree. Also, by pegging this at a particular dollar amount, don't we set ourselves up for this same discussion later? Should there instead be a schedule or something pinned to inflation? Also, believe both of these dollar amounts should be at minimum doubled. Lastly, there are two options in which fees shall be paid, either prior to the issuance of a tree removal permit or construction drawing approval, but it's unclear which one. (James Terwilliger, 11/2/2021 written testimony) <u>Staff Comments</u> The fee-in-lieu was increased based upon community input during the Let's Connect questionnaire and ecosystem services lost. The two timing options for payment depend upon whether an applicant is seeking a tree removal permit or tree removal is occurring as part of a land use entitlement permit	Opened *11/10/2021* Closed *12/15/2021*

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	[RZC 21.72.040.E.3 (p.7)] The fee-in-lieu dollars collected go into the Tree Fund.	
28. Canopy Goals and Tree Removal Permits (public comment)	PC Comments The Commission noted an analysis of tree removal permits granted as they relate to the tree canopy goals is beyond the scope of the regulatory update. Public Comments What's the consequence to the City of granting too many tree removal permits that we hinder our canopy goals? (James Terwilliger, 11/2/2021 written testimony) Staff Comments Replacement trees are required when tree removal permits are granted. In theory, over time the canopy will be replenished. However, analysis of the Tree Canopy Strategic Plan is not part of the scope of the regulatory update.	Opened *11/10/2021* Closed *12/15/2021*
29. Logic Tree for Tree Canopy and Supporting Tree Regulations (public comment)	PC Comments The Commission noted appreciation for this public comment showing the relationship between the Tree Canopy Strategic Plan and Tree Regulations. Public Comments Define protected trees better SO THAT tree protection/preservation rates better support the 40% tree canopy goals AND replacement/mitigation plantings can be better calculated in the permitting process WHICH JUSTIFIES more rigid review of tree removal plans by dedicated urban forester or contract arborist in the Planning Department SO THAT deviation requests can be more accurately judged, mitigation plans more accurately determined, mitigation outcomes verified in the field and penalties assessed if warranted	Opened *11/10/2021* Closed *12/15/2021*

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	SO THAT that Redmond's tree canopy goals can be met and dashboard data collected showing progress toward achieving them. (Tom Hinman, 11/5/2021 written testimony) <u>Staff Comments</u> This logic tree is helpful in understanding the relationship between the proposed tree regulations and the Tree Canopy Strategic Plan. The purpose of the Tree Regulations Update package is to review the existing tree regulations in the Zoning Code to determine if they need to be revised given they are over twenty years old and may not be reflective of community values and the City's Strategic Plan. The regulations are one avenue to help implement the Tree Canopy Strategic Plan. The regulations review does not include an evaluation of the Tree Canopy Strategic Plan. However, the logic model submitted shows the clear relationship between the two projects.	
30. Significant Tree and Tree Protection and Preservation Rate (public comment)	<u>PC Comments</u> The Commission questioned what difference and outcome would be achieved if this change were made. Is there this level of detail in the Tree Canopy Strategic Plan? They noted this item should be reviewed in relationship to the next issue (Tree Protection and Preservation Rate) and therefore the two issues should be combined. One Commissioner asked if there is a priority order for saving trees and if it's on a case-by-case basis. Commissioners acknowledged Redmond is an urbanizing community and some trees will come down since the City lies within the urban growth boundary. There was no overwhelming interest in discussing the merits of 35% tree retention versus 40% tree retention. One Commissioner asked about other jurisdictions' tree retention requirements. Developers	Opened *11/10/2021* Closed *1/12/2022*

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	follow the regulations, which include submittal of an arborist report and mitigation planting plans. Another Commissioner noted that we begin to have problems once the signoffs on the developments occur, including the bonds, and the control to save trees becomes more challenging. <u>Public Comments</u> Define protected trees better to replace confusion over the use of the term "significant" which is too generic and comingles all trees at a 35% retention rate. Use "Mature" for trees 6" DBH+ and keep Landmark for trees 30" DBH+ (Tom Hinman, 11/5/2021 written testimony) Increase tree protection/preservation rates for mature (see comment 31 above) trees to 40% retained (no more than 60% mature trees can be removed) and 90% for landmark trees (no more than 10% can be removed). (Tom Hinman, 11/5/2021 written testimony) Does the 35% significant tree protection requirement include commercial, industrial, MFR? Or only residential, including townhome, condo, cluster, cottage, ADU/DADU, duplex, triplex, quad, mixed use, etc.? [RZC 21.72.030.B.1 (p.2)] (Gina Clark, Master Builders Association of King and Snohomish Counties, 11/9/2021 written testimony) To clarify, commercial, industrial, and MFR lots do not have to meet any retention standard at any percentage rate? [RZC 21.72.060.C (p.11)] (Gina Clark, Master Builders Association of King and Snohomish Counties, 11/9/2021 written testimony)	

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	Nobody wants to be regulated, of course, but it is developers who need tighter regs. In my view, city planners are missing the forest for the trees; while individual homeowners may cut down a few trees, developers destroy forests, including landmark trees along with smaller ones, as long as the total retention meets the 35% minimum (note that collapsing the categories of significant and landmark trees is a shell game where the landmarks are sometimes hidden in the significant category, sometimes not). (Gary Smith, 11/17/2021 written testimony) The City should be concentrating on saving mature trees rather than facilitating/allowing developers to virtually "clear cut" under the guise of providing affordable housing or good paying jobs. (Rosemarie Ives, 11/22/2021 written testimony) <u>Staff Comments</u> Duly noted. The Commission could debate whether changing terminology would be beneficial. The 35% tree protection requirement was not changed in an attempt to maintain a balance between tree protection and an urbanizing community. The Commission could debate the merits of a change to this standard. [RZC 21.72.030.B.1 (p.2)] All development proposals (commercial, industrial, residential subdivisions, multi-family developments, etc.) need to meet this retention requirement.	

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	RZC 21.72.060.C is specific to tree removal permit requirements on developed lots. This section does not address tree retention percentage for projects filing a land development permit. RZC 21.72.030.C, Site Design Standards, provides a priority order for tree protection. (p.2 & 3) Tree retention standards for surrounding jurisdiction are outlined in Exhibit D of the Technical Committee Report to the Planning Commission. These retention rates vary, some depending on type of land use. Other jurisdictions use a minimum tree density requirement.	
31. Urban Forester or Contract Arborist (public comment)	<u>PC Comments</u> This is a budget item, not a regulatory issue. <u>Public Comments</u> There should be a dedicated urban forester or contract arborist for the Planning Department to provide more rigid review of tree removal plans. (Tom Hinman, 11/5/2021 written testimony) <u>Staff Comments</u> Staff did not address this as part of the regulatory update. An urban forester would need to be a newly created position funded by the City. However, an urban forester would be an asset to staff.	Opened *11/10/2021* Closed *1/12/2022*
32. Significant Tree Loss by Sammamish River Beavers (public comment)	<u>PC Comments</u> Taking care of trees doesn't necessarily mean they will be around forever. <u>Public Comments</u>	Opened *11/10/2021* Closed *1/12/2022*

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	The City should take some responsibility to monitor and replace trees fallen by Sammamish River beavers (just as private property owners are required to plant replacement trees). Planting trees to replace those fallen by Sammamish beavers has untold ecological benefits from: 1) carbon footprint reduction, 2) shade and woody debris for salmon habitat improvements, and 3) contribution towards our 40% canopy goal. (Bob Yoder, 11/8/2021 written testimony) <u>Staff Comments</u> The City caged the trees along the river in the Habitat Enhancement Projects (HEPs) that we wanted to ensure their survival. The majority of those were the conifers. The beavers are mostly taking down red alders which were volunteer trees. The alders helped the conifers get established by shading and proving nitrogen. Now they are being thinned out by the beavers allowing the conifers to take the space and grow bigger.	
33. Tree Protection and Housing Balance (public comment)	<u>PC Comments</u> The City is doing a fine job balancing housing and tree protection. The public comments expressed below should be discussed with housing topics, focusing on flexibility in types/styles of housing. <u>Public Comments</u> Strike a more balanced ordinance between tree protection and housing, one that particularly allows for the fulfillment of a variety of housing types at a range of affordability as adopted in <u>Redmond's Housing Needs Assessment</u>. See Forterra's <u>Tree Retention on Privately Owned Land: Retaining and Enhancing the Urban Forest in Cities and Towns Throughout the Puget Sound Region</u> as a guide for striking that balance. As the city knows, finding a balance between trees and housing is difficult. If you push too far one way you lose too many	Opened *11/10/2021* Closed *1/12/2022*

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	trees if you push too far the other way you do not produce enough housing. Tree canopy, tree retention and replanting, and equitable distribution of a variety of tree species throughout Redmond is needed for a healthy, thriving environment and people. But so is housing, and our region continues to face a housing crisis at almost all income levels, with critically low supply, lack of housing choice, and extremely high prices. Having tree ordinances that are not overly prescriptive and incentive based, and that allow for a balance between trees and dense, environmentally friendly housing is imperative. (Gina Clark, Master Builders Association of King and Snohomish Counties, 11/9/2021 written testimony) <u>Staff Comments</u> Staff understands the balance between tree protection and housing. In fact, housing is just one of the many City priorities that represent competing interests. Trees are an important component of livability to the residents of the City.	
34. No Net Loss of Trees (public comment)	<u>PC Comments</u> <u>Public Comments</u> A no net loss of trees should not fall significantly on land development and homebuilders and will be difficult to achieve if it is. Recommend the City not exempt itself from the requirements of this code. The City should be leading by example and retaining and replanting trees on municipal property and in public ROW, investing in education and replanting programs, and replacing trees in high tree desert areas. (Gina Clark, Master Builders Association of King and Snohomish Counties, 11/9/2021 written testimony)	Opened *11/10/2021* Closed *1/12/2022*

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	Staff Comments The Natural Features Element of the Comprehensive Plan has a goal of no net loss of trees within the City. This goal is reiterated in the Tree Regulations. The City is not exempt from following these regulations and should be leading by example.	
35. Streamline Tree Permitting and Review Process (public comment)	PC Comments Appreciate that staff will update administrative processes. Public Comments Consider working with staff and the homebuilding industry to further streamline the tree permitting and review process to reduce timelines and costs for both the city and applicants, especially residents and small businesses. (Gina Clark, Master Builders Association of King and Snohomish Counties, 11/9/2021 written testimony) Staff Comments Tree Removal Permits are typically an over-the-counter permit. As part of the regulatory update, staff will explore administrative processes related to these permits.	Opened *11/10/2021* Closed *1/12/2022*
36. Streamline and Simplify Proposal (public comment)	PC Comments The Code needs to be user-friendly and continuously reviewed to ensure it is clear and being properly implemented. A Q&A sheet would be helpful identifying commonly asked questions, answers, and code links. Public Comments Streamline and simplify this document further. Could every Planning Commissioner apply the tree code as written? It is not user friendly for	Opened *11/10/2021* Closed *1/12/2022*

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	residents or homebuilders, especially smaller homebuilders without arborists on staff. Section 21.72.030 is confusing and leaves much open to interpretation. (Gina Clark, Master Builders Association of King and Snohomish Counties, 11/9/2021 written testimony) <u>Staff Comments</u> Comment noted.	
37. Project Redesign (public comment)	<u>PC Comments</u> <u>Public Comments</u> MBAKS strongly opposes project redesign to minimize impacts and asks Planning Commission to consider other alternatives, working with the homebuilding industry to find alternatives that do not impact much needed housing production. [RZC 21.72.030.A.1.b (p.2)] (Gina Clark, Master Builders Association of King and Snohomish Counties, 11/9/2021 written testimony) MBAKS strongly opposes this requirement. Project redesign is costly and timely and simply doesn't happy by flipping a switch. And to do it for undefined "all adverse impacts" to save any significant tree, even one? At a time now and for the foreseeable future, when our region and Redmond are in a housing crisis, lacking supply, choice, and affordability, how can homebuilders and the city meet the requirements of the HAP or Housing Needs Assessment if one significant tree can trigger project redesign? [RZC 21.72.030.1.b (p.2)] (Gina Clark, Master Builders Association of King and Snohomish Counties, 11/9/2021 written testimony)	Opened *11/10/2021* Closed *1/12/2022*

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	The proposed changes on page 3 in "21.72.060030 Site Design Standards -- C1(a)" are a step toward tighter restrictions, but then a couple pages later in "F. (Gary Smith, 11/17/2021 written testimony) <u>Staff Comments</u> A basic element of site design is looking at a property and identifying its environmental assets (including trees) and available infrastructure. This should be the first step prior to conceiving a site layout. The tree management impact approach mimics standard mitigation sequencing. [RZC 21.72.030.A.1 (p.1&2)]	
38. Tree Canopy (public comment)	<u>PC Comments</u> Tree canopy cover requirements are identified in the Tree Canopy Strategic Plan. Comments relating to this told should be address the next time this plan is reviewed. <u>Public Comments</u> Steer clear of an absolute 40% tree canopy requirement since American Forests in 2017 <u>no longer recognizes this as a standard</u> for all cities in all situations especially given the need to accommodate denser growth, Missing Middle Housing, and smarter land use and zoning policies that maximize the environmental return on investment through balancing housing, trees, economic development, and equity. https://www.americanforests.org/blog/no-longer-recommend-40-percent-urban-tree-canopy-goal/ [RZC 21.72.010.A.5 (p.1)] (Gina Clark, Master Builders Association of King and Snohomish Counties, 11/9/2021 written testimony)	Opened *11/10/2021* Closed *1/12/2022*

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	Tree canopy is an important issue. It must be viewed in the greater context with actual numbers/data. I believe it is imperative for especially planning commissioners and city council to have a grasp of what buildout in both urban centers and in neighborhoods could be right now under present zoning: how many buildings of what height with and without bonus densities. A pertinent example of such an exercise was done for the Overlake urban center in 2007 as part of the update of the comprehensive plan: the diagram showed the potential for 56 new 6-9 story buildings without any density bonuses. (Rosemarie Ives, 11/22/2021 written testimony) <u>Staff Comments</u> The proposal before the Commission is the Tree Regulations Update, not the Tree Canopy Strategic Plan. The Tree Regulations represent one of a myriad of approaches to achieve a city tree canopy.	
39. Incentives (public comment)	<u>PC Comments</u> No comments. <u>Public Comments</u> Consider increasing the incentives. There are some but there could be more. MBAKS can make recommendations from other jurisdictions or work with staff to develop requirement of 5% to 10% tree retention for commercial and industrial zoned areas to match the requirement placed on residential. Also consider modifying language to, "The Administrator shall" versus, "The Administrator "may" when granting site adjustments based on incentives. [RZC 21.72.030.F (p.5)] (Gina Clark, Master Builders Association of King and Snohomish Counties, 11/9/2021 written testimony)	Opened *11/10/2021* Closed *1/12/2022*

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	Incentives for Higher Levels of Tree Protection," the code retains the practice of combining significant and landmark trees in its retention requirement, which makes the two categories equal in value. If a developer must pay 4 times as much in-lieu fee for a landmark tree, why not incentivize the developer likewise with a higher value for a retained landmark? (Gary Smith, 11/17/2021 written testimony) <u>Staff Comments</u> Other incentive ideas are welcomed and can be explored.	
40. Purpose and Intent (public comment)	<u>PC Comments</u> The goal of no net loss is consistent with the Comprehensive Plan. <u>Public Comments</u> MBAKS recommends steering away from this kind of unpredictable and infeasible language ("to the maximum extent possible") that is difficult to measure for both city and applicant. [RZC 21.72.010.A.2 (p.1)] (Gina Clark, Master Builders Association of King and Snohomish Counties, 11/9/2021 written testimony) Achieving a goal of no net loss of trees will require a detailed inventory of trees, tree species, age, etc., by the city, and significant investment to ensure what's being replaced is being replaced accurately in numbers as well as quality, species, age, etc. It will also require the city participate fully in this ordinance on municipal property and public ROW as well as ensuring residents comply with retention and replacement to achieve no net loss. It cannot be done alone through land development. [RZC 21.72.010.A.3 (p.1)] (Gina Clark,	Opened *11/10/2021* Closed *1/12/2022*

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	Master Builders Association of King and Snohomish Counties, 11/9/2021 written testimony) MBAKS supports this statement. Thank you for acknowledging the balance of trees with supporting density, housing, and jobs as adopted in your planning documents. Not all jurisdictions do this. It's vital for a balanced, thriving, healthy city. Thank you. [RZC 21.72.010.B (p.1)] (Gina Clark, Master Builders Association of King and Snohomish Counties, 11/9/2021 written testimony) <u>Staff Comments</u> The purpose and intent statement of the regulations helps frame the approach. Achieving a goal of no net loss of trees throughout the City is consistent the Natural Environment Element in the Comprehensive Plan. [RZC 21.72.010.A (p.1)]	
41. Tree Management (public comment)	<u>PC Comments</u> There is always the opportunity to ask for a deviation. <u>Public Comments</u> How does the city define adverse impacts? This is very broad and could include a multitude of things. [RZC 21.72.020.A.1 (p.1)] (Gina Clark, Master Builders Association of King and Snohomish Counties, 11/9/2021 written testimony) The way this is written appears to leave room for interpretation. Some may believe that if a builder can avoid impacts altogether by not building a home	Opened *11/10/2021* Closed *1/12/2022*

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	because it would not require removing a tree, then 1a. should be fulfilled in almost every scenario. You can stop there. This should most definitely be an OR scenario and not an AND situation. Building homes will, in some cases, require removing trees. And removing more trees than some people would like. It seems this entire paragraph should be removed and stated in more detail throughout the requirements and specifics of the ordinance as this leaves way too much room for loose interpretation. [RZC 21.72.020.A.1 (p.1)] (Gina Clark, Master Builders Association of King and Snohomish Counties, 11/9/2021 written testimony) <u>Staff Comments</u> Adverse impacts are determined by the physical setting, and both the magnitude and duration of the impact. It can be difficult to quantify. The tree impacts approach follows standard mitigation sequencing. [RZC 21.72.030.A.1 (p.1&2)]	
42. Protected versus Retained Tree (public comment)	<u>PC Comments</u> Clarity has been provided. <u>Public Comments</u> What is the difference between protected and retained? How is the city defining protected? Does protected trees include significant and landmark trees? [RZC 21.72.030.B.2 (p.2)] (Gina Clark, Master Builders Association of King and Snohomish Counties, 11/9/2021 written testimony) <u>Staff Comments</u> Protected and retained are used interchangeably. A retained tree is defined as, "A tree that is remaining and which no construction or grading will take	Opened *11/10/2021* Closed *1/12/2022*

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	place with the tree's critical root zone. Also referred to as Saved Tree." It could include significant or landmark trees meeting this definition.	
43. Tree Protection Tracts (public comment)	PC Comments No comments. Public Comments Definition? Is this a grove? MBAKS cannot. How is this defined? How many trees? What kind of trees? Purpose? When does the city require it? How does an applicant determine at feasibility and therefore fully determine risk and cost? If the tract suffers damage to the trees or multiple trees die, is the tract released from the interest and revert to the property owner? Allow the applicant and Administrator agree upon protection tracts together, versus just the Administrator. [RZC 21.72.030.E.2 (p.4)] (Gina Clark, Master Builders Association of King and Snohomish Counties, 11/9/2021 written testimony) Lastly, I would like to suggest a different name for the new concept outlined in "21.72.060030 -- E. Designation of Protected Trees." Instead of "Tree Protection Tracts," call them "Urban Forests" and extend the concept to include any new land annexed by the city. A broader regulation might say, "Developments on newly-annexed land will be subject to stricter tree retention requirements, possibly even prohibiting the cutting down of healthy trees on certain tracts under development, thus leaving them as urban forests." It would be the fastest -- perhaps the only -- way to achieve the city's 40% tree canopy goal. (Gary Smith, 11/17/2021 written testimony) Staff Comments	Opened *11/10/2021* Closed *1/12/2022*

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	A tree protection tract typically is protected through a Native Growth Protection Easement (NGPE) or Native Growth Protection Area (NGPA). A NGPA is defined as ,"An area where native vegetation is preserved for the purpose of preventing harm to property and the environment, including but not limited to providing open space, maintaining wildlife corridors, maintaining slope stability, controlling runoff and erosion, and/or any other purpose designated by approval." The protective mechanisms proposed for trees parallels that currently in the Zoning Code used for critical areas. [RZC 21.72.030.E.2 (p.4)]	
44. Tree Deserts/Urban Heat Islands (public comment)	<u>PC Comments</u> The City is addressing heat islands through the Environmental Sustainability Action Plan. <u>Public Comments</u> Has the city identified "tree deserts" in the city? Areas in need of more equitable tree distribution? How about school grounds or non-profits in need of shade or cover? [RZC 21.72.040.E.b (p.7)] (Gina Clark, Master Builders Association of King and Snohomish Counties, 11/9/2021 written testimony) A recent New York Times article showed the clear linkage between inequity through trees. Heat in New York is distributed unequally, and its distribution follows other patterns of inequality, including race, income, air quality and access to air-conditioning. They are studying the disproportionate impact this heat has on Black and brown neighborhoods, where a paucity of tree cover and green space creates urban heat islands. (Rosemarie Ives, 11/22/2021 written testimony)	Opened *11/10/2021* Closed *1/12/2022*

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	Staff Comments The City has not defined tree deserts. However, their identification would be beneficial in identifying planting areas or tree mitigation banks and could advance the Tree Canopy Strategic Plan. (See issue 13 above) Regarding heat islands, the City is currently preparing a climate vulnerability assessment to help understand the ways climate change will likely impact Redmond - including extreme heat - and identify the ways we can proactively prepare for those impacts. The final report will be presented to Council during Q1 2022. (See issue 12 above)	
45. Capital Improvement Projects (public comment)	PC Comments No comments. Public Comments Are Capital Improvement Projects (city projects) exempt from this ordinance? What about public ROW? Or if trees on municipal property like parks are damaged or die? Do they have to be replaced? [RZC 21.72.060.H (p.12)] (Gina Clark, Master Builders Association of King and Snohomish Counties, 11/9/2021 written testimony) Staff Comments Capital improvement projects are not exempt from the regulations. [RZC 21.72.060.H (p.12)]	Opened *11/10/2021* Closed *1/12/2022*
46. Public Transportation and Utility Systems (public comment)	PC Comments No comments. Public Comments	Opened *11/10/2021* Closed *1/12/2022*

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	Are there tree replacement and/or fee-in-lieu requirements for public transportation and utility systems projects? [RZC 21.72.060.I (p.12)] (Gina Clark, Master Builders Association of King and Snohomish Counties, 11/9/2021 written testimony) New draft section RZC 21.72.060.I addresses construction of public transportation and public utility systems. PSE lineal utility facilities (power lines) are essentially similar in purpose and need, and it seems appropriate that construction of new lineal utility facilities be addressed with the same approach. Therefore, PSE requests clarification that the intent for addressing lineal utility construction is covered by RZC 21.72.060.I. (Andy Swayne, Puget Sound Energy, 11/10/2021 written testimony) RZC 21.72 appears intended to address and regulate trees affected by site development with only adjunct attention addressed to management of vegetation in other situations – in our case routine and ongoing management of vegetation along lineal utility facilities (power lines) situated along and within public rights-of-way and dedicated utility corridors. Other than new draft sections RZC 21.72.060.I and .J (addressed below), it's not clear if and how RZC 21.72 applies to vegetation activities associated with construction and maintenance of linear PSE utility facilities. (Andy Swayne, Puget Sound Energy, 11/10/2021 written testimony) <u>Staff Comments</u> Public transportation and utility systems are subject to the tree regulations and are required to replace significant trees remove or pay into the fee-in-lieu program. Code clarity language could be added to this section. This code	

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	sections relating to Public Transportation and Public Utility Systems and Maintenance of Infrastructure are inclusive of PSE utility projects. The former addresses construction and the latter addresses maintenance. [RZC 21.72.060.I & J (p.12)]	
47. Maintenance of Infrastructure (public comment)	<u>PC Comments</u> No comments. <u>Public Comments</u> Are there tree replacement and/or fee-in-lieu requirements for maintenance of infrastructure projects? [RZC 21.72.060.J (p.12)] (Gina Clark, Master Builders Association of King and Snohomish Counties, 11/9/2021 written testimony) New draft section RZC 21.72.060.J addresses maintenance activities on (for) infrastructure. It appears that routine vegetation management by PSE along its lineal utility lines would be addressed under this section. We believe the language of the section as drafted is adequate to address PSE routine vegetation managements and PSE would appreciate confirmation of this intent. (Andy Swayne, Puget Sound Energy, 11/10/2021 written testimony) <u>Staff Comments</u> Maintenance of infrastructure is subject to the tree regulations and are required to replace significant trees remove or pay into the fee-in-lieu program. Code clarity language could be added to this section. PSE's routine vegetation maintenance would be addressed under this code section. [RZC 21.72.060.J (p.12)]	Opened *11/10/2021* Closed *1/12/2022*

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48. Code Restructuring (public comment)	PC Comments The structure is wordy but is an improvement over the current regulations. Check to ensure consistency with the Zoning Code Rewrite currently underway. Public Comments In its current form, the organization of draft revised RZC 21.72 can be challenging to follow and we think some reorganization of the material could help the reader's understanding of the code. We suggest section organization changes to improve content flow as follows (similar to the organization of the existing code): • move section .070 Exemptions to follow section .030 Tree Management • move section .060 Permitting Approach to follow Exemptions • move section .050 Tree Protection Measures to follow Permitting Approach • move section .040 Tree Replacement to follow Tree Protection (Andy Swayne, Puget Sound Energy, 11/10/2021 written testimony) Staff Comments Comments noted. The current regulations are not greatly organized in terms of flow. The new layout attempts to provide an approach that flows more smoothly and logically. As always, purpose and intent are at the outset. Additional context is provided by expressing the benefits and values of trees. Next the regulations address the whole approach to tree management which rolls into on-site tree protection measures. Once these items have been established, the regulations define the permitting approach for tree removal permits followed by deviations, closing out with enforcement.	Opened *11/10/2021* Closed *1/12/2022*

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49. NGPA/NGPE Trees (public comment)	PC Comments Concur with code clarification. Public Comments Revised RZC 21.72.060.B & .C addresses trees located within a Native Grow Protection Area (NGPA) or Native Growth Protection Easement (NGPE) stating that trees may not be removed unless they are determined to be hazardous and stating that such hazardous trees be 'snagged' to provide habitat benefit. The draft code revisions now preclude the removal of trees within a NGPA/NGPE, critical area, or buffer. Critical areas and buffers can be located within NGPAs/NGPEs resulting in overlap of these features. Per a recent discussion with Principal Planner Cathy Beam, we understand the intent of these code revisions is not to completely preclude tree removal within NGPAs/NGPEs, critical areas or buffers. Rather, the intent is that proposed tree removal be regulated under the Critical Areas Regulations within RZC 21.64 and appropriate mitigation sequencing and mitigation measures would apply if tree removal becomes necessary within these areas. Given this understanding, the draft code language should be further revised to reflect the intent outlined by Ms. Beam and allow for tree removal in these areas with consideration that there may be no other feasible alternative to removal. (Andy Swayne, Puget Sound Energy, 11/10/2021 written testimony) Additionally, creation of wildlife snags as provided in the draft revised code does not necessarily remove a hazardous condition. Even if a snagged hazardous tree is no longer a danger to a structure, it can still pose a hazard to other potential targets including infrastructure and pedestrians adjacent to the NGPA/NGPE or critical area, as the decaying snag can still fall over. Further,	Opened *11/10/2021* Closed *1/12/2022*

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	not every tree can practicably be turned into a beneficial wildlife snag, with the limited height of a snag 'short enough' to eliminate a hazardous condition providing little if any wildlife benefit. (Andy Swayne, Puget Sound Energy, 11/10/2021 written testimony) <u>Staff Comments</u> The sections relating to trees in Native Growth Protection Easements/Areas is related to tree removal permits, versus tree removal with development applications. Staff recommends adding some clarifying language related how tree removal in critical areas will be addressed. Staff has added clarifying language to differentiate tree removal in NGPEs/NGPAs and tree removal in critical areas (outside of NGPEs/NGPAs).	
50. Deviations (public comment)	<u>PC Comments</u> No comments. <u>Public Comments</u> A more general concern about the granting of deviations in "21.72.090100 Exceptions Deviations." Because outside observers have noticed how easily those have been granted to developers in the past, it seems important to examine the language carefully. What is meant by the difference in the two phrases highlighted below? *B. ~~Exception~~ Deviation Criteria. An ~~exception~~ deviation ~~shall not~~ may be granted ~~unless~~ if all the criteria in B.1, B.2, B.3, and B.4 of this subsection are satisfied:*	Opened *11/10/2021* Closed *1/12/2022*

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	1. The ~~exception~~ deviation is necessary because: *a. There are special circumstances related to the size, shape, topography, location, or surroundings of the subject property; or* *b. <u>Strict compliance with the provisions of this code may jeopardize reasonable use of property;</u>* *. . .* *2. If an exception is granted below the required minimum retention standard of 35 percent, tree replacement shall be at a minimum of three trees for each significant tree removed. With the exception of developments in the urban centers or Marymoor Design District, <u>the minimum tree preservation standard shall not go below 35% unless it diminishes or results in no reasonable use of the property.</u>* It seems easier to argue that a regulation diminishes reasonable use rather than jeopardizing it. If I were a developer, I would look for a loophole like that to go below the 35% tree retention minimum. (Gary Smith, 11/17/2021 written testimony) <u>Staff Comments</u> The language was adjusted to be more direct. In reviewing it, however, the planting of three trees for each significant tree removed below the retention rate should be increase, as 3:1 is proposed as the new tree replacement rate when meeting the 35% retention requirement. [RZC 21.72.100.B (p.14)] Editorial note: the numbering of this section needs to be corrected. It should be 21.72.080, not 21.72.100.	

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51. Growth Management and Growth Targets (public comment)	PC Comments Discussing growth targets is not relevant to the proposed tree regulations update. The 2050 Comprehensive Plan Update is the appropriate forum for growth targets. Public Comments As someone who sat at the regional table at the beginning of Growth Management and followed it closely during my 16-year tenure as mayor, people have been led to believe that the City of Redmond must accept the target numbers that the region presents. That is NOT the case! Every city has the right to challenge those numbers by presenting actual numbers if it cannot clearly maintain its adopted level of services and provide required infrastructure to be concurrent with GMA. Redmond was far ahead of all other suburban cities in terms of jobs and the percentage of affordable housing, primarily multi family. Redmond has done more than its fair share. There is a tendency for well-intentioned people, both elected and volunteer, to react to the written words in reports rather than step back to really envision what is the goal in the bigger context and engage in thoughtful exploration of what a particular issue means for Redmond now and into the future. The latter is hard work! (Rosemarie Ives, 11/22/2021 written testimony) Staff Comments The discussion of growth targets is beyond the scope of the Tree Regulations Update. The 2050 Comprehensive Plan Update is the appropriate avenue for this discussion.	Opened *11/10/2021* Closed *1/12/2022*

1/26/2022