

# CITY OF EDMONDS, WA TREE CODE AMENDMENT PROJECT FOCUS GROUP #1 SUMMARY AND ASSESSMENT

## OVERVIEW

---

Edmonds' Tree Code was formally adopted in 2021, and City staff is now in the process of gathering public input on potential tree code updates and amendments with the following objectives:

1. Clarify the current tree code related to development (minor amendments)
2. Consider regulations on private property tree removals

As a part of the Tree Code Amendment Project's Community Engagement Strategy, a series of focus group sessions are scheduled to hear perspectives and ideas from various interest groups about potential updates and amendments to the tree code. City staff sent out invitations with the following stakeholder groups in mind:

- Developers
- Arborists
- Environmental sciences
- Tree preservation advocacy
- Climate action
- Underserved and underrepresented

This meeting was organized in a hybrid format so that attendees could join virtually via Zoom, or in person at the Edmonds City Hall, 121 5th Avenue N, on the 2nd floor in the Kerr Room.

The meeting results analysis and summary are included in this document as a progress report. A second public meeting is scheduled for May 15, which will be held in person.

### ***Tree Code Amendment Focus Group #1: Developers and Arborists***

Date: April 27, 2023  
Time: 2:00 – 3:30pm  
Location: Edmonds City Hall, 2nd floor in the Kerr Room  
121 5th Ave. N., Edmonds, WA 98020  
Virtual Option: Zoom link provided via email  
Zoom recording available at request  
Attendees: 10 (5 in person and 5 virtual)

## AGENDA

---

- 2:00 – 2:10** Introductions
- 2:10 – 2:15** Icebreaker– does anyone know when we started “Phase 2” tree code updates?
- 2:30 – 2:45** Summary: how the current code works – the good, the bad and the ugly...
- ECDC 23.10 development review matrix
  - The good: what’s working well
  - The bad: Comprehensive Code Amendment list – shows many layers of requirements
  - The ugly: NOT a streamlined review process!
- 2:45 – 3:15** Facilitated Q&A
- Round-robin style so everyone has an opportunity to provide feedback
  - Community-minded input versus unique situation or non-productive viewpoint
  - Bullet point responses captured on flipcharts
- 3:15 – 3:30** Report out/share if needed with virtual versus in-person attendees
- What *didn't* we ask?
  - Ways to stay involved, provide input to decision-makers

## ATTENDEES

---

### *CITY OF EDMONDS:*

Deb Powers

### *PLANIT GEO:*

Alex Hancock

Mike Martini

### *VIRTUAL ATTENDEES:*

John Mirante-Pacific Ridge

Katy Bigelow

Raven Campbell- Insight Engineering

Anna Heckman

Justina Kraus-Champion Tree Care

### *IN-PERSON ATTENDEES:*

Susan Prince (consulting arborist working for developers)

Linda Firkingstad (property owner)

Michelle Dotsch

Chrissy Roberts

Lisa Conley

## FACILITATED Q&A

---

### *WHAT CHALLENGES HAVE YOU EXPERIENCED WORKING WITH THE TREE CODE?*

#### Key Points

- Fee In Lieu = Punitive
- Heavily wooded properties are devalued
- Cost/feasibility of development is reduced (cannot be recouped)
- Protected tree notice / encumbers vs maintenance agreement period regulated vs bond requirement
- Adjacent properties not equitable, based on tree canopy cover
- Critical areas not included in 30% requirement, but they should be
- Fees in lieu multiple times in code, as opposed to retention and/or replanting
- Doesn't incentivize grove retention

#### Detailed Notes:

- John Mirante-Max Fee in lieu = \$215k on a project that didn't go to the property owner, so this affects residents of Edmonds
  - General public has a lack of knowledge of the land development
  - Dev community has to explain why the seller why we can't pay them full value for their property. The fees in lieu feel punitive. This cost is going on to the property owner. The property value doesn't change whether the property has trees on it.
  - **Key point:** A property that has trees on it is devalued by \$2 per sq. ft. (the max fee in lieu). \$600k house next door to the \$1.2million to make the same profit.
  - Everyone wants the trees on the lot next to them, but not on their lot.
- Essentially the City owns the trees because of this fee in lieu.
- John: it would be fair if the City would pick one to charge fees for - trees or critical areas, but not both. Critical areas are not
- Raven (in chat): I'll have to dip out between 3:15 and 3:20. But anyway, I will say that the tree code has as of the past couple years been the most difficult part of the code to work with for me as someone working in development. I'd like to see standards for going to each different level (retain/replace/FIL) clarified-- I want to know the standard of proof for being able to do a FIL be made more clear. Is there a maximum density of plantings for trees above which we can make the argument that the replacement/planted trees will not survive?
  - Deb-There is no qualitative data but quantitative of the trees being retained and this can be the "crappy" trees on the property and die overtime

### *CONVERSELY, WHAT WORKS WELL WITH EDMONDS' TREE CODE?*

#### Key Points

- "Viable" tree retention distinction was helpful
- Addresses hazards

#### Detailed Notes:

- The change on "viable tree" was helpful. Only 2% of the land in Edmonds is developable, so why would someone build a home here.
- Raven-in chat-While the conservation subdivision standards do hold some advantages and do help in some situations, in some cases, clients I've had with the city haven't been satisfied with what standards are loosened with that, and have further concerns with the 50% retention that often comes with it.

*WHAT INCENTIVES WOULD YOU CONSIDER TO ACHIEVE GREATER TREE RETENTION, WHILE DEVELOPING THE SITE TO ITS MAXIMUM POTENTIAL? CAN YOU POINT TO ANY EXAMPLES FROM OTHER CITIES?*

- Building height is too strict, so maybe variances or incentives for that
- Greater density or housing types
- Incentives for cluster development (20.75.048)
- Twice as many “credits” for retention
- Cottage housing

*BASED ON YOUR WORK WITHIN THE REGION, WHEN CONSIDERING DEVELOPMENT SEQUENCING (FROM FEASIBILITY TO FINAL INSPECTION/BONDING), WHAT TREE CODE REQUIREMENTS, DESIGN REVIEW PROCESSES, ON-SITE TREE PROTECTION METHODS, MAINTENANCE PLANS, ETC. SHOULD EDMONDS CONSIDER?*

- In Woodway, there’s a certain amount of trees that can be removed each year.
- Katy Bigelow-in chat-BI code allows trees to be removed per 36 months ... but it functions as a guideline - ie. there's no one keeping track - i mean, noone has to submit anything if they are removing below the threshold so ... this is a slippery slope. yes, less people take advantage of this loophole than take advantage of it but something to consider.
- Sammamish - example a landmark tree counts as 2 trees
- Kirkland - cottages are working, but in other areas they aren’t successful.
- In Woodway, 25’ from the house and driveway for safety

*TREE REMOVAL REPLACEMENTS: WHAT REPLANTING STANDARDS ARE YOU MOST IN FAVOR OF?*

- Planting standards credit system in the Kirkland or Woodinville code = 1 acre/30 tree credits,
  - Important to note that site hydrology changes significantly after development, and that should be taken into account.

*WHAT CODE SECTIONS DO YOU NEED CLARIFICATION ON?*

*WHAT DIDN’T WE ASK?*

*QUESTIONS FROM ATTENDEES:*

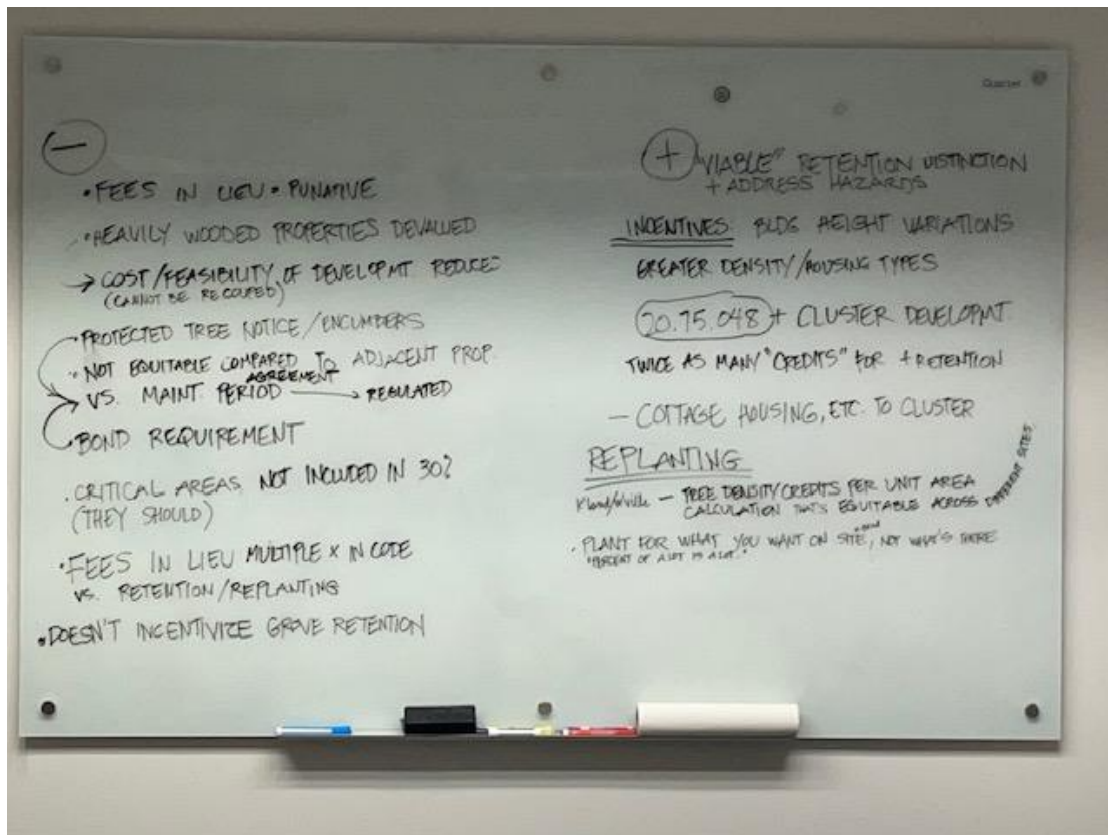
- Anna Heckman (in chat): Deb- do you plan to put a required time period between private property tree removal and home sale, or applying for a development permit?
- Katy Bigelow (in chat): it would be helpful for this discussion or going forward to see any layers translated to percentages of those properties that have Critical Areas, those that have more/less than 30% to translate into really who/where this is affecting. It would also be helpful to have the discussion or thinking about how the new ruling for development will overrule (?) any existing tree codes.
- Justina Kraus-in chat- This discussion is making me thankful there is tree code because otherwise wouldn't all the trees be taken out for the profit and fear reasons? I deal with private property and people wanting to maintain and care for their yard, how do they handle the fees. Not turning a profit. So this is hard to hear national developers worried about profit and moving

on while Deb and COE is trying to maintain and enhance. I like to preserve 90 year old trees how can you refer to it as alcoholic trees? Having a hard time with this

**OTHER**

- Covenant language rather than easement, protecting in perpetuity Stealth
  - The definition of grove is semantics - based on canopy

**IN-PERSON WHITE BOARD NOTES**



## ZOOM MEETING CHAT

---

- You 5:26 PM
  - <https://www.codepublishing.com/WA/Edmonds/#!/Edmonds23/Edmonds2310.html#23.10>
- Raven Campbell- Insight Engineering to Everyone 5:28 PM
  - My video is frozen completely. Can I log out and come back in?
- You to Everyone 5:29 PM
  - Yes you should be able to
- Katy Bigelow to Everyone 5:30 PM
  - this 23.10 that Deb is describing - is related to private property ? Just might want to clarify if someone is wondering if it applies to development AND private prop (or even sub dividable properties).
- Anna Heckman, WA to Everyone 5:46 PM
  - Deb- do you plan to put a required time period between private property tree removal and home sale, or applying for a development permit?
- Katy Bigelow to Everyone 5:57 PM
  - it would be helpful for this discussion or going forward to see an layers translated to percentages of those properties that have Critical Areas, those that have more/less than 30% to translate into really who/where this is affecting. It would also be helpful to have the discussion or thinking about how the new ruling for development will overrule (?) any existing tree codes.
- Katy Bigelow to You (Direct Message) 5:59 PM
  - Hi Alex, can we submit our answers to these questions to you or Deb for review after this meeting? I can't stay the whole time.
- You to Katy Bigelow (Direct Message) 5:59 PM
  - Yes, absolutely! We are taking thorough notes and I'll make sure Deb responds via email
- Katy Bigelow to Everyone 6:04 PM
  - BI code allows trees to be removed per 36 months ... but it functions as a guideline - ie. there's noone keeping track - i meanm, noone has to submit anything if they are removing below the threshold so ... this is a slippery slope. yes, less people take advantage of this loophole than take advantage of it but something to consider.
- Raven Campbell - Insight Engineering to Everyone 6:08 PM
  - I'll have to dip out between 3:15 and 3:20. But anyway, I will say that the tree code has as of the past couple years been the most difficult part of the code to work with for me as someone working in development. I'd like to see standards for going to each different level (retain/replace/FIL) clarified-- I want to know the standard of proof for being able to do a FIL be made more clear. Is there a maximum density of plantings for trees above which we can make the argument that the replacement/planted trees will not survive?
- Katy Bigelow to You (Direct Message) 6:08 PM
  - Thank you Alex, I will submit answers to you and Deb soon. could you shoot me a test email to arboristkaty@gmail.com that I can send my thoughts to? I have to leave now. Thank you!
- Raven Campbell - Insight Engineering to Everyone 6:21 PM
  - While the conservation subdivision standards do hold some advantages and do help in some situations, in some cases, clients I've had with the city haven't been satisfied with what standards are loosened with that, and have further concerns with the 50% retention that often comes with it.

- And with that, I'm out. please feel free to email me the results of this!
- Justina Kraus - Champion Tree Care, LLC 6:33 PM
  - This discussion is making me thankful there is tree code because otherwise wouldn't all the trees be taken out for the profit and fear reasons? I deal with private property and people wanting to maintain and care for their yard, how do they handle the fees. Not turning a profit. So this is hard to hear national developers worried about profit and moving on while Deb and COE is trying to maintain and enhance.
  - I like to preserve 90 year old trees how can you refer to it as alcoholic trees? Having a hard time with this
- Anna Heckman, WA 6:40 PM
  - NB recently changed their code and we have development in progress that are under both. it is not perfect but has helped equalize farm and forest properties.
- You 6:44 PM
  - great, thanks for sharing!
- Justina Kraus - Champion Tree Care, LLC 6:50 PM
  - I can be reached at Justina.champtreecare@gmail.com
- You 6:51 PM
  - Thanks Justina!

## FOLLOW-UP NOTES VIA EMAIL

---

### **Powers, Deb**

---

**From:** Katy Bigelow <arboristkaty@gmail.com>  
**Sent:** Friday, April 28, 2023 3:17 PM  
**To:** Powers, Deb; aheckman@bartlett.com; Justina Kraus  
**Subject:** Re: Property Owner Tree Removal (No Development) Cheat Sheet

Thanks Deb.

**Few notes pertaining to your email:** BI code is non-critical area removal capped at >1 acre = 3 trees removed per 36 months, <1 acres = 6 trees per 36 months allowed. BUT no one keeps track of the trees removed - ie. the arborists certainly aren't submitting anything to the city so some people have gone around it with their tree companies who don't care. So, that technique kinda only functions like a guideline.

Re. critical areas, ok, I think that's ok over a certain diameter - at least with a review (NOT review/approval - I know you see some bad reports but ... I'm hoping this will be a review of the report and data not really the situation, maybe that's splitting hairs ..) I wrote a comment in the chat in the meeting that I was hoping would get forwarded to you - that the public and stakeholders with such limited time might be able to visually see how many people/properties would be affected by CA code if a layer was created overlaying all Edmonds.

LM Trees: This has changed a bunch of times on BI in the last few years. I think a quick conversation with the current arborist, Drue Morris, in all your spare time could give you some good data about how that's going (the area affected expanded, then contracted, then size limits were changed ...)

**Few points pertaining to the slide with the final questions from the meeting:**

4. We need stronger pre-dev understanding of tree protection goals and inspection of tree protection prior to the start of construction. We need stronger monitoring requirements of TP during the construction process. We need a final check of retained trees when the project is done to sign off on the project.

5. Is there anything that works with fees in lieu? The weakest point I've seen is a Tree "Fund" or "Bank" that never gets used for anything meaningful. I mean CoEdmonds isn't going to purchase property to simply put trees on it or, plant more in parks ... so, I've never understood where fees are really going. If you are talking TREE replacements, the choices should not be limited to native species.

6. A version of the cheat sheet needs to be in the code and online.

7. Another data point (maybe discussed, I had to leave early) I was interested in is with the passing of the upzoning bill, does that supersede any CA or other zoning regs in Edmonds?

Thanks again,  
Katy

On Thu, Apr 27, 2023 at 8:59 PM Powers, Deb <[deborah.powers@edmondswa.gov](mailto:deborah.powers@edmondswa.gov)> wrote:

Hi Katy, Anna, Susan, Justina, et al,

Thank you again for attending today's stakeholder meeting, and apologies again for the late start/tech issues. As promised, here's the cheat sheet I mentioned that I created to streamline review of property owner tree removal



requests. I would encourage you to view last night's Planning Board [video](#) to get an idea of staff recommendations and their direction concerning property owner tree removals. They're considering:

- Prohibiting tree removals in critical areas with exception of hazard/nuisance trees and requiring permit for review/approval.
- They don't have specific numbers, but they want to allow a certain number of tree removals within a certain period of time, like Kirkland's pre-2021 code "two-per" that allowed 2 tree removals per every 12 months, no permit but notification requested to avoid having to send code enforcement whenever neighbors here chainsaws/call City.
- Limit Landmark (DBH undetermined at this point) tree removal with a higher level of protection than smaller trees. For example if the two-per allowance was applied, fewer Landmark trees could be removed at the same time, with longer time periods in between.

FYI - watch for a stakeholder survey link that will go out later next week, too.

Best,

[Deb Powers](#) | Urban Forest Planner

Planning & Development Department

City of Edmonds, WA

425-771-0220, ext. 1278

--

Katy Bigelow  
206.351.1375  
[www.katybigelow.com](http://www.katybigelow.com)

- ISA Board Certified Master Arborist®

International Society of Arboriculture Certified Arborist PN-6039B  
PNW ISA Tree Risk Assessment Qualified  
Registered Consulting Arborist® #490  
Member - American Society of Consulting Arborists

Find me on [Facebook](#)!