



**AGENDA
DES MOINES PLANNING COMMISSION
MEETING**

City Council Chambers
21630 11th Avenue S, Suite C
Des Moines, Washington
Tuesday, June 2, 2026 - 6:00 PM

CALL TO ORDER

ROLL CALL

COMMENTS FROM THE PUBLIC

AGENDA ITEMS

- Item 1. **Approval of Minutes**
Motion: "I move to approve the minutes of the May 05, 2026 Planning Commission Meeting."

UNFINISHED BUSINESS

- Item 1. **Planning Commission Bylaws**
Motion: "I move to approve the draft Planning Commission bylaws as proposed."

NEW BUSINESS

- Item 1. **Ethics Training**
Item 2. **Discussion of Tree Regulations**

COMMISSIONER AND DIRECTOR REPORTS

NEXT MEETING DATE

July 07, 2026

ADJOURNMENT

**Planning Commission
AGENDA ITEM**

BUSINESS OF THE PLANNING COMMISSION
City of Des Moines, WA

SUBJECT: Approval of Minutes

ATTACHMENTS:

1. May 05, 2026 Planning Commission Meeting Minute

FOR AGENDA OF:

June 2, 2026

DEPT OF ORIGIN:

City Clerk

DATE SUBMITTED:

May 07, 2026

CLEARANCES:

City Clerk

Purpose and Recommendation

The purpose of this agenda item is for the Planning Commission to review the minutes from the May 05, 2026 Planning Commission meeting.

Suggested Motion:

Motion: "I move to approve the minutes of the May 05, 2026 Planning Commission Meeting."

Background

The City Clerk's Office has prepared action-format meeting minutes for the Planning Commission's consideration.

Alternatives

The Planning Commission may make corrections to errors and approve the meeting minutes as amended.

Recommendation

Staff recommends the Planning Commission approve the meeting minutes as presented.



**MINUTES
DES MOINES PLANNING COMMISSION
MEETING**

**City Council Chambers
21630 11th Avenue S, Suite C
Des Moines, Washington
Tuesday, May 5, 2026 - 6:00 PM**

CALL TO ORDER

Committee Chair Barton DeLacy called the meeting to order at 6:02 p.m.

ROLL CALL

Committee Present: Danielle Anderson, Traci Buxton, Chuck Coleman, Michelle Curry, and Barton DeLacy

Committee Via Zoom: Nicole Gunkle

Committee Absent: Colleen Gants

Staff Present: Community Development Director Rebecca Deming, Planning & Development Services Manager Laura Techico, Senior Planner Jason Woycke, Land Use Planner I Alicia Jacobs, Land Use Planner II Peyton Murphy, and Administrative Coordinator Laura Hopp

COMMENTS FROM THE PUBLIC

- Barbara McMichael, Des Moines, Planning Commission Considerations

PUBLIC HEARING

- Item 1. **Residential Conversions Ordinance**
Motion: "Based on the findings, and in consideration of public input received for the public hearing, the Planning Commission recommends approval of the Draft Ordinance No. 26-035."

At 6:07 p.m. Committee Chair Barton DeLacy opened the Public Hearing.

Land Use Planner Alicia Jacobs gave the Planning Commission a PowerPoint Presentation on Residential Conversions.

Committee Chair, Barton DeLacy, asked if anyone wished to speak. Seeing none, Committee Chair Barton DeLacy asked the Commission if they had any questions.

At 6:21 p.m. Committee Chair Barton DeLacy closed the Public Hearing.

Direction/Action

Motion made by Commissioner Chuck Coleman to recommend the approval of the Draft Ordinance No. 26-035, seconded by Commissioner Danielle Anderson.

Motion 6-0.

AGENDA ITEMS

Item 1. **Approval of Minutes**

Motion: "I move to approve the minutes of the April 14, 2026 Planning Commission Meeting."

Direction/Action

Motion made by Commissioner Traci Buxton to approve the April 14, 2026 Planning Commission Meeting, seconded by Commissioner Chuck Coleman.

Motion 6-0

Item 2. **Planning Commission Bylaws**

Direct staff based on the examples for inclusion in the draft bylaw to return for future adoption.

The Planning Commission discussed the Bylaws, and asked staff to bring recommended changes back for approval at the next meeting.

NEXT MEETING DATE

ADJOURNMENT

Direction/Action

Motion made by Commissioner Chuck Coleman to adjourn, seconded by Commissioner Michelle Curry.

Motion 6-0

The meeting adjourned at 7:07 p.m.

**Planning Commission
AGENDA ITEM**

BUSINESS OF THE PLANNING COMMISSION
City of Des Moines, WA

SUBJECT: Planning Commission Bylaws

ATTACHMENTS:

1. Planning Commission Draft Bylaws

FOR AGENDA OF:

June 2, 2026

DEPT OF ORIGIN:

Community Development

DATE SUBMITTED:

May 21, 2026

CLEARANCES:

Community Development

Purpose and Recommendation

To approve the governing bylaws for the Planning Commission for the City of Des Moines.

Suggested Motion:

Motion: "I move to approve the draft Planning Commission bylaws as proposed."

Background

Planning Commissions operate under a set of internal rules set up by the organization for the purpose of self-regulation. These internal rules are referred to as "bylaws". Bylaws outline the rules of order, structure of meetings, and processes for the Commission to follow. Establishment of these bylaws will allow for consistency and order in Planning Commission business.

At the April 14, 2026 meeting, the commission discussed the bylaws and determined that the commissioners would continue to review the different bylaw options and return for discussion.

At the May 5, 2026 meeting, the Commission reviewed draft bylaws and proposed adjustments and directed staff to amend the bylaws and return for adoption to the June 5th Planning Commission meeting.

Discussion

The draft Planning Commission bylaws as discussed at the May 5th meeting are attached.

Recommendation

Staff recommends approval of the Planning Commission bylaws as proposed.

City of Des Moines Planning Commission
Bylaws - 2026

Commissioner Notes for consideration

I. NAME

- A. The official name of the organization shall be the “City of Des Moines Planning Commission,” hereinafter referred to as “the Commission.”

II. PURPOSE

- A. The Planning Commission shall review staff proposals, hold public hearings, and submit recommendations to the City Council on certain Type IV and Type VI land use actions. The Planning Commission shall review such other matters and take such further action as the City Council may direct from time to time by motion, resolution, or ordinance.

III. MEETINGS

- A. The Commission shall consist of seven members as appointed by the City Council.
- B. A Commissioner must be a resident of the City of Des Moines for 1 year to hold a Commission seat. If a commissioner ceases to be a Des Moines resident, the office must be vacated.
- C. All meetings will be held at Des Moines City Hall (21630 – 11th Avenue South), except on such occasions as the Commission may otherwise direct by majority vote. Assigned senior staff will be responsible for ensuring that proper public notice has been given.
- D. Regular meetings shall be held on the first Tuesday of each month.
- E. All meetings shall convene at 6:00 p.m. and adjourn by 8:00 p.m. Continuation of any meeting past 8:00 will require approval by motion and affirmative majority vote of the commissioners present.
- F. Not less than 24 hours’ notice shall be given for the posting, publication, or cancellation of any meeting of the Commission.
- G. Planning Commission meetings shall be open to the public, consistent with RCW 42.30. Participants shall be given three minutes to speak in accordance with instructions given by the Chair. Public comment may also be provided in writing in accordance with the instructions given by the Chair. Public comment related to an advertised Public Hearing may be provided via Zoom, with advanced notice to the City Clerk.
- H. Regular meetings will be recorded and can be accessed at:
<https://desmoineswa.portal.civicclerk.com/>.
- I. The Commission shall be scheduled for at least one meeting each month and shall meet no less than four times per year.
- J. Executive sessions may be held only with prior City Council approval, and consistent

with RCW 42.30.110 and 42.30.140.

- K. Except as provided by these rules and procedures, Roberts' Rules of Order (as amended) shall govern the conduct of all commission meetings.
- L. Based on Staff, Commission, and/or public input, the Commission may make recommendations to forward to Council.

IV. STUDY SESSIONS

- A. Much of the Planning Commission's work is conducted in an informal Study Session format.
- B. Comments from the public will be permitted as the Chair or majority instructs.
- C. Based on Staff, Commission, and/or public input, the Commission may make recommendations to forward to Council.

V. ELECTION OF OFFICERS

- A. Officers of the Commission shall be elected from its membership, such offices shall be Chair, Vice Chair, and other offices that the Commission may choose to approve and appoint by majority vote.
- B. The election of officers will take place once each year, at the first regularly scheduled meeting of the year. The term of office for all positions shall continue until the subsequent election.
- C. A vacancy of any office due to resignation or removal of a member holding that office will be filled by special election of the Commission. In the event the office of Chair is vacated, the Vice Chair shall serve in that capacity until the required special election of the Commission is held.
- D. The election of Chair and Vice Chair requires the affirmative vote of at least three Commission members. The election of an Officer shall be continued to the next, regularly scheduled meeting should the Commission be unable to select an Officer in accordance with this section.

VI. CHAIR AND VICE CHAIR

- A. The Chair shall preside over all meetings of the Commission in accordance with Roberts' Rules of Order.
- B. In the absence of the Chair, the Vice Chair shall perform all duties as incumbent of that position.
- C. In the event of the absence of both the Chair and Vice Chair, during a meeting, a temporary Chairperson shall be appointed by majority vote of the members present to perform such duties as incumbent of the position of Chair for the duration of that meeting.

VII. CLERK OF THE COMMISSION

- A. The City Manager shall designate a Clerk of the Commission who shall provide for a recording of all commission meetings and shall ensure that summary minutes of each meeting are prepared.
- B. Such summary minutes will be accepted as the official minutes of meetings upon approval of the Commission.
- C. The Clerk of the Commission will conduct and record roll call of the Commission membership as the first order of business at regular and special meetings.

VIII. QUORUM

- A. A quorum of the Commission will consist of not less than four members present at regular meetings and public hearings. A simple majority vote of the quorum present shall be sufficient to 1) conduct routine commission business; and 2) recommend **denial** of an item referred to by the Commission for review.
- B. In the absence of a quorum, all agenda items not disposed of in accordance with these rules and procedures shall be continued to the next regular commission meeting.

IX. ABSENCES

- A. A commissioner may be excused from a meeting by providing advance notice to the Clerk of the Commission or the Commission Chair.
- B. In the event any commissioner has unexcused absences from three or more meetings held during any calendar year, the Commission may request that the City Council appoint a replacement for that member.
- C. If a committee member is absent from more than three duly called meetings in a calendar year, the absences shall be reported to the City Council for potential removal of the member.

X. AGENDAS

- A. The City's Director of Community Development, or designee, shall coordinate agenda preparation with the Commission Chair and shall be responsible for agenda publication and posting.
- B. Copies of an agenda shall be made available to commissioners not less than 48 hours (recommend 4 days - Friday before) prior to a scheduled meeting. Copies of pertinent data for the meeting will be attached to the agenda.
- C. The Commission Chair and assigned senior staff should structure the agenda so that sufficient time is available for the Commission to act on all action items. Discussion of action items not completed will be continued at a subsequent meeting as directed by the Commission.
- D. The agenda will indicate whether the Commission should take formal action on a particular matter.

XI. PUBLIC MEETING AGENDA ORDER/PROCEDURES

A. The chair may reorder the agenda as necessary after roll call. The following shall be the standards Agenda order:

1. Call to Order
2. Roll Call
3. Changes to the Agenda (if Applicable)
4. Comments from the Public (3 minutes)
5. Agenda Item
 - i. Approval of Minutes
6. Public Hearing (if Applicable)
7. Unfinished Business (if Applicable)
8. New Business (if Applicable)
9. Commissioner and Director Reports
10. Next Meeting Date
11. Adjournment

XII. PUBLIC HEARINGS

A. Public Hearings will be conducted in accordance with Chapter 42.30 RCW.

B. Any member subject to Articles XI and XII of these Rules will disclose compliance with these requirements prior opening of the public hearing.

C. A script will be provided to the Chair by the Clerk of the Commission which will include instructions for the public and all participants.

D. Public Hearing Procedures

1. Chair opens the public hearing.
2. Staff report is provided.
3. Applicant has opportunity to present, if applicable (10 minutes maximum)
4. Public testimony regarding the application is given. (3 minutes)
5. Discussion and questions are addressed by the commissioners.
6. Chair asks for final comments.
7. Commission has final discussions.
8. Decision is made by the Commission to recommend approval, recommend disapproval, continue, or return the topic to staff.
9. Chair closes or continues the public hearing.

XIII. CONFLICT OF INTEREST

- A. Any commissioner having a direct or indirect interest in, or who would benefit from any matter, shall disclose this conflict of interest.
- B. If a member of the Commission concludes that he/she has a conflict of interest or an appearance of fairness problem with respect to a matter pending before the Commission so that he/she cannot discharge his/her duties on the Commission, he/she shall disqualify himself/herself from participating in the deliberations and the decision-making process with respect to the matter (DMMC 4.24.060).
- C. No member may participate in or vote on a matter at hand unless the member has attended all public hearings regarding such matter or has listened to the recording of the public hearing and reviewed the written record of the matter in question.

XIV. APPEARANCE OF FAIRNESS

- A. The Commission shall adhere to the applicable requirements of the appearance of fairness doctrine.

XV. CITY OF DES MOINES CODE OF ETHICS

- A. All members of the Commission shall adhere to the Code of Ethics enumerated in Chapter 2.44 DMMC.
- B. Members of the Commission may not speak on behalf of the City, or the Commission unless formally designated. Opinions expressed by individual members are personal and members must clearly identify that they are speaking only as an individual and are not in any manner representing or speaking on behalf of the City or the Commission.
- C. Members of the Commission shall not use their position to secure personal benefit, gain or profit, or use their position to secure special privileges or exceptions for themselves, or for the benefit, gain, or profits of any other persons.
- D. Commission members shall complete a City provided conflict of interest and ethics training annually for each year of their service.

XVI. AMENDMENT

- A. These rules and procedures may be amended at any regular or special meetings of the Commission if included as an item on the published and posted notice.
- B. Any proposed amendment to these rules and procedures shall be in writing and will be provided to the members not less than seven calendar days in advance of the meeting at which such amendment will be discussed.
- C. Adoption of any amendment to these rules and procedures shall be by simple majority vote of the members present at the meeting at which the proposed amendment is discussed.

**Planning Commission
AGENDA ITEM**

BUSINESS OF THE PLANNING COMMISSION
City of Des Moines, WA

SUBJECT: Ethics Training

ATTACHMENTS:

1. DMMC 2.44 Code of Ethics

FOR AGENDA OF:

June 2, 2026

DEPT OF ORIGIN:

Community Development

DATE SUBMITTED:

May 22, 2026

CLEARANCES:

Community Development

Purpose and Recommendation

Provide annual ethics training

Background

Board and committee members hold a public trust and are expected to adhere to a standard of behavior that does not violate, or even appear to violate, that trust.

Yearly ethics training is required for all appointive committees, including the Planning Commission.

Discussion

Staff will play a video including a presentation explaining the Des Moines Municipal Code Chapter 2.44 Code of Ethics

CHAPTER 2.44
CODE OF ETHICS

§ 2.44.010. Policy – Declared.

- (1) The purpose of this chapter is to acknowledge that all public officials, board members, commissioners, and city personnel hold a public trust and are expected to adhere to a standard of behavior that does not violate, provide an opportunity to violate, or appear to violate that trust, and that shall not present apparent or actual conflicts of interest between the public trust and private interests. In addition, it is declared to be the policy of the city that no employee shall use his or her public employment for the private financial gain of that employee, or to secure special privileges for the public official or employee or any other person.
- (2) The city of Des Moines is committed to conducting its business in a fair, open, efficient, and accountable manner. Public officials, board members, commissioners, and city personnel shall conduct their public and private actions and financial dealings in a manner consistent with this policy. Public officials, board members, commissioners, and city personnel are assumed and expected to act in accordance with all laws and codes of ethics that may apply to his or her position, as well as striving to avoid even an appearance of impropriety in the conduct of his or her office or business. Each employee should be informed of this code of ethics and meet its requirements.

(Ord. 1478 § 1, 2010)

§ 2.44.020. Definitions.

- (1) Use of Words and Phrases. As used in this chapter, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings. To the extent that the meanings of words and/or phrases require clarification, the city shall consider the definitions and content contained in chapter 42.52 RCW.
- (2) "Board member" includes members of city boards, commissions, committees, or other multi-member bodies appointed by the city council or by the city manager.
- (3) "City council" or "councilmember" includes elected members of the city council of the city of Des Moines, and members of the city council appointed to fill unexpired terms of vacant positions on the city council.
- (4) "Employee" means an employee of the city of Des Moines, includes all full-time, part-time, temporary, and permanent employees of the city, and all volunteers of the city. The term also includes the city manager except where the context indicates otherwise. For the purposes hereof, the terms "city employee" and "employee" are synonymous.
- (5) "Family" includes spouse, parent, child, sibling, aunt, uncle, niece, nephew, cousin, grandchild, grandparent or any parent-in-law, son-in-law or daughter-in-law, or brother-in-law or sister-in-law. For the purposes hereof, "immediate family" means

spouse and dependent children.

- (6) "Financial interest" means direct or indirect monetary or material benefit accruing to a councilmember or employee as a result of a transaction or contract which is, or may be, the subject of an official act or action by or with the city, except for such transactions or contracts which confer similar benefits upon all other persons and/or property similarly situated. For the purposes of this chapter, a councilmember or employee shall be deemed to have a financial interest in the affairs of:
- (a) Any close family member of the councilmember or employee, or any person with whom the councilmember or employee has a close or on-going business relationship;
 - (b) Any business entity, company, corporation, partnership, or joint venture in which the councilmember or employee is an officer, director, agent, consultant or employee;
 - (c) Any corporation in which the councilmember or employee holds the legal, equitable or beneficial ownership of more than one percent of the outstanding stock, directly or indirectly;
 - (d) Any person or business entity with whom/which the councilmember or employee has a contractual relationship; provided, that a contractual obligation of less than \$500.00, a commercially reasonable loan made in the ordinary course of business, or a contract for a commercial retail sale shall not create an interest in violation of the code of ethics.
- (7) Exceptions. Notwithstanding the provisions of subsections (7)(a), (7)(b) and (7)(c) of this section, a financial interest shall not be deemed to exist in any component investment within any fund or plan where an owner of an interest in a mutual or other pooled investment fund or in any employee or retirement benefit plan (including, without limitation, pension plans, profit sharing plans and deferred compensation plans) when a public official, board member, commissioner, or city employee:
- (a) Has no right to control or influence the selection of component investments;
 - (b) Has not influenced the selection of component investments; and
 - (c) Has not created or used the fund or plan to subvert the intent of this chapter.
- (8) "Gift" means a rendering of money, property, services, discount, loan forgiveness, payment of indebtedness, reimbursements from or payments by persons other than the city of Des Moines for travel or lodging or anything else of value in return for which legal consideration of equal or greater value is not given and received, excluding:
- (a) Things of minimal value;
 - (b) Any contribution under chapter 42.17 RCW (Disclosure – Campaign Finances – Lobbying – Records);

- (c) Any informational material transferred for the purpose of informing the recipient about matters pertaining to official city business, and that is not intended to financially benefit that recipient;
 - (d) Any symbolic presentation not intended to financially benefit the recipient;
 - (e) Things of value not used and that, within 30 days after receipt, are returned to the donor or delivered to a charitable organization without being claimed as a charitable contribution for tax purposes;
 - (f) Things of value received in the normal course of private business or social interaction or from family that are not related to public policy decisions or city actions;
 - (g) The acceptance of a gift on behalf of the city pursuant to city council rules regarding acceptance of gifts.
- (9) "Manager" means the individual who has been appointed the city manager of the city of Des Moines by the Des Moines city council. For the purposes hereof, the terms "city manager" and "manager" are synonymous.
- (10) "Public official" includes, except where the context indicates otherwise, councilmembers, board members, and commissioners.
- (11) Remote Interest. A "remote interest" may be deemed to exist where an individual is:
- (a) An unpaid officer, board member, or other person who functions in a decision-making capacity which can influence policy or funding of a corporation, partnership, joint venture or other entity;
 - (b) A landlord or tenant of an entity contracting with the city of Des Moines; or
 - (c) A holder of less than one percent of the shares of, or ownership interest in, a business entity contracting with the city; provided, no interest shall be deemed to be remote where a councilmember influences or attempts to influence any other councilmember or employee to take any action which financially benefits the councilmember by or through the interest.

(Ord. 1478 § 2, 2010)

§ 2.44.030. Use of city property.

No councilmember, board member, commissioner, or employee shall request, or permit, the use of city vehicles, equipment, materials or property for personal use, personal convenience or profit. The use of all city property shall be restricted to that consistent with city policy. Councilmembers, board members, commissioners, and employees shall take care to properly use, maintain and avoid damage of city property and shall be held accountable and responsible for all items of personal property assigned to them during their term or employment.

(Ord. 1478 § 3, 2010)

§ 2.44.040. Personal gain or profit.

- (1) A councilmember, board member, commissioner or employee shall not knowingly use his or her office or position for personal or family gain or profit.
- (2) A councilmember, board member, commissioner or employee shall not use city-owned property or city services for personal or family gain or profit.
- (3) A councilmember, board member, commissioner, or employee shall not use information acquired in confidence from the city customer, supplier, lessee or contractor for other than city purposes.

(Ord. 1478 § 4, 2010)

§ 2.44.050. Conflict of interest.

- (1) No councilmember, board member, commissioner, or employee shall engage in any act which is in conflict with, or creates an appearance of conflict with, the performance of official duties. A councilmember, board member, commissioner, or employee is deemed to have a conflict of interest if the councilmember, board member, commissioner, or employee engages in any of, but not limited to, the following acts:
 - (a) Employs or uses any person, property, or money under the councilmember's, board member's, commissioner's or employee's official control, or in the councilmember's, board member's, commissioner's, or employee's official custody, for the private benefit or gain of that councilmember, board member, commissioner, or employee or any person or entity other than the city;
 - (b) Uses, or attempts to use, his or her official position to secure privileges or exemptions for that councilmember, board member, commissioner, or employee or any other person or entity;
 - (c) Accepts, agrees to accept, or solicits any gift, favor, reward, gratuity, or anything of economic value based upon an implicit or explicit understanding that the official services of the councilmember, board member, commissioner, or employee will be provided, or official actions of the councilmember, board member, commissioner, or employee would be influenced, thereby;
 - (d) Influences the selection or nonselection of or the conduct of business between the city and any entity when the councilmember, board member, commissioner, or employee has a financial interest;
 - (e) Solicits for himself or herself or for another, a gift or any other thing of value from the city or from any person or entity having dealings with the city; provided, however, that no conflict of interest for the councilmember, board member, commissioner, or employee shall be deemed to exist with respect to solicitation for campaign contributions required to be reported under chapter 42.17 RCW or for charitable contributions;
 - (f) Accepts any retainer, compensation, gift or other thing of value which is

contingent upon a specific action or nonaction by the city council, a board or commission of the city or any employee or employees of the city;

- (g) Accepts a gift in any manner other than as provided in DMMC § 2.44.070, Acceptance of gifts;
 - (h) Intentionally uses or discloses information not available to the general public and acquired by reason of his or her official position which financially benefits himself or herself, family, friends or others;
 - (i) Accepts, agrees to accept, or solicits any gift, favor, reward, gratuity, or anything of economic value from any person, corporation, or entity involved in a transaction or contract which is, or may be, the subject of official action by the city; provided, that the prohibition against such acceptance shall not apply to:
 - (i) Attendance at a hosted reception or meal when provided in conjunction with a meeting directly related to the conduct of city business or where official attendance by the councilmember, board member, commissioner, or employee as a staff representative is appropriate;
 - (ii) An award publicly presented in recognition of public service; or
 - (iii) Any gift which would have been offered or given to the councilmember, board member, commissioner, or employee;
 - (j) Accepts employment or engages in any business or professional activity which reasonably could conflict with performance of the councilmember's, board member's, commissioner's, or employee's official responsibilities, or which reasonably could require the disclosure of confidential information acquired by reason of public employment;
 - (k) Engages in, accepts private employment from, or renders services for private interests when such employment or services are incompatible with the proper discharge of official duties, or would tend to impair independence of judgment or action in the performance of official duties.
- (2) A councilmember, board member, or commissioner shall not take part in any council, board, or commission action, as that term is defined in chapter 42.30 RCW, concerning any contract, property, or other matter of any kind, in which the councilmember, board member, or commissioner, or his or her immediate family, has a financial interest, or which otherwise creates a conflict of interest.
- (3) A councilmember, board member, or commissioner shall disclose the fact and extent of a remote interest for the official minutes of the city council or board or commission prior to taking any action related to the interest and, thereafter, all action taken by the city council, board, or commission related to such interest shall be by a vote sufficient for the purpose without counting the vote of the councilmember or board member having the remote interest.

(4) Restrictions after Leaving City.

- (a) For one year after leaving the city, a councilmember, board member, commissioner, or employee may not hold or acquire a financial interest, direct or indirect, personally or through their family, in any contract made by, through, or under their supervision, or accept, directly or indirectly, any compensation, gratuity, or reward from any person interested in such a contract or transaction.
- (b) For one year after leaving the city, a councilmember, board member, commissioner, or employee may not (i) assist anyone in proceedings involving the city where such councilmember, board member, commissioner, or employee worked on a matter in which they were officially involved in the course of their duties; (ii) represent any private person as an advocate on a matter in which they were involved; or (iii) compete for a city contract when they were involved in determining the scope of work or the selection process. A councilmember, board member, commissioner, or employee may never disclose or use the city's privileged or proprietary information except to perform official duties.

(Ord. 1478 § 5, 2010)

§ 2.44.060. Conflict of interest – Contracts.

No councilmember, board member, commissioner, or employee shall be beneficially interested, directly or indirectly, in any contract, sale, lease, or purchase which may be made by, through or under the supervision of such officer, in whole or in part, or which may be made for the benefit of that councilmember, board member, commissioner, or employee, and no councilmember, board member, commissioner, or employee shall accept, directly or indirectly, any compensation, gratuity, or reward from any other person or entity beneficially interested therein, except as permitted by state law, RCW 42.23.030 and 42.23.040.

(Ord. 1478 § 6, 2010)

§ 2.44.070. Acceptance of gifts.

Except as provided in DMMC § 2.44.020(8) and/or DMMC § 2.44.050(1)(i)(i), (ii) and (iii), a councilmember, board member, commissioner, or employee may not accept gifts of cash in any amount, nor any personal gifts.

(Ord. 1478 § 7, 2010)

§ 2.44.080. Campaign/political activities.

Councilmembers, board members, commissioners, and employees shall have the right to vote and to express their opinions on all political subjects and candidates and to hold any political office or participate in the management of a partisan political campaign. Councilmembers, board members, commissioners, and employees shall further have the right to participate fully in campaigns relating to constitutional amendments, referendums, initiatives, and issues of a similar character, and for nonpartisan offices.

However, the said rights shall be reasonably restricted as follows:

- (1) No councilmember, board member, commissioner, or employee shall use, or authorize the use of, any public facilities for the purpose of assisting the campaign of a candidate or the promotion or opposition of a ballot proposition;
- (2) No employee who may reasonably be expected to come into contact with the public shall wear or display any campaign buttons or campaign literature during city business hours;
- (3) No employee shall, directly or indirectly, campaign or assist any campaign during city work hours;
- (4) Any councilmember, board member, commissioner, or employee hosting or participating in fund raising activities, and other campaign activities, shall make clear that the councilmember, board member, commissioner, or employee does not represent the city, and that the city does not endorse any particular candidate or position, unless the city has lawfully taken action of endorsement;
- (5) No councilmember, board member, commissioner, or employee shall attempt to obtain political contributions from any employees by promise of, or threat of, disciplinary action, unusual treatment or preferential treatment.

Employees may participate in the political process only on their own time, and only outside of the workplace by working on campaigns for the elections of any person to any office, or for the promotion of or the opposition to any ballot proposition, and shall not use or authorize the use of the facilities of the city for such purposes except as may be authorized by law under the provisions of RCW 42.17.130.

(Ord. 1478 § 8, 2010)

§ 2.44.090. Disclosure of information records.

Councilmembers, board members, commissioners, and employees shall not disclose to any unauthorized person any confidential city information. No councilmember, board member, commissioner, or employee shall disclose or use confidential city information for direct or indirect personal gain or benefit. Although records and documents maintained by the city are generally public records available for public inspection and copying, the following are exempt from public inspection and copying and shall not be disclosed or provided by any councilmember, board member, commissioner, or employee:

- (1) Personal information in any files maintained for persons in custody.
- (2) Personal information in any files maintained for city employees, appointees or elected officials to the extent the disclosure would violate their right to privacy.
- (3) References or other information pertaining to the employment of former city employees, other than the fact of employment, job position and term of employment, unless the request for such reference or information be in writing and unless the former employee shall have filed a written consent with the city.

- (4) Information required of any taxpayer or city license holder in connection with the assessment or collection of any tax or license fee if the disclosure of the information to other persons would violate the taxpayer or licensee's right to privacy or would result in unfair competitive disadvantage to such taxpayer or licensee.
- (5) Specific intelligence information and specific investigative files compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.
- (6) Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, if disclosure would endanger any person's life, physical safety, or property, or if the complainant has indicated a desire for nondisclosure.
- (7) Test questions, scoring keys and other examination data used to administer license, employment or civil service examinations.
- (8) Except as provided by chapter 8.25 RCW, the contents of any real estate appraisals made for or by an agency, including the city, relative to the acquisition of property by the city until the property is abandoned or until such time as all of the property has been acquired, but in no event shall disclosure be denied for more than three years after the date of the appraisal.
- (9) Valuable formulas, designs, drawings and research data obtained or produced by the city, its officers, public officials and employees and agents within five years of any request for disclosure thereof, when disclosure would produce private gain and public loss.
- (10) Preliminary drafts, notes, recommendations and intradepartmental memorandums in which opinions are expressed or policies formulated or recommended, except that a specific record shall not be exempt when publicly cited by the city in connection with any public action.
- (11) Records which are relevant to a controversy to which the city or any of its officers, councilmembers, board members, commissioners, employees or agents is a party, but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.
- (12) Lists of individuals requested for commercial purposes.
- (13) Any public record access which the King County superior court has found would damage any person or vital governmental function.
- (14) Residence addresses and telephone numbers of councilmembers, board members, commissioners, or employees, utility customers, and any other person who has, in writing, requested nondisclosure by reason that such disclosure would endanger that person's life, physical safety, or property.

(15) Applications for employment, including the name of applicant, resume, and other related material submitted with respect to an applicant.

(16) Any information which is exempt from the disclosure requirements of state law.
(Ord. 1478 § 9, 2010)

§ 2.44.100. Consequences of violation.

(1) In the event that an employee, other than the city manager, violates the terms of this chapter or engages in conduct inconsistent herewith, the city manager may take appropriate steps to address the matter including instituting disciplinary proceedings in accordance with city policies and/or applicable legal principles. Such violations may, depending on the severity and circumstances of the violation(s), result in disciplinary action including but not limited to: counseling, verbal reprimands, written reprimands, suspensions, demotions, terminations or other appropriate measures.

(2) In the event that the city manager violates the terms of this chapter or engages in conduct inconsistent herewith, the city council may take appropriate steps to address the matter including instituting disciplinary proceedings in accordance with city policies and/or applicable legal principles.

(3) In the event that a board member or commissioner violates the terms of this chapter or engages in conduct inconsistent herewith, a majority of the whole city council may, depending on the severity and circumstances of the violation(s), impose sanctions or consequences. The sanctions or consequences may include but are not limited to the following: private reprimand, public reprimand, censure, removal from the dais at a meeting or at meetings (during discussion or action on one or more topics or subjects of consideration), or removal from office.

(Ord. 1478 § 10, 2010)

**Planning Commission
AGENDA ITEM**

BUSINESS OF THE PLANNING COMMISSION
City of Des Moines, WA

SUBJECT: Discussion of Tree Regulations

ATTACHMENTS:

1. Tree Policy Memo

FOR AGENDA OF:

June 2, 2026

DEPT OF ORIGIN:

Community Development

DATE SUBMITTED:

May 21, 2026

CLEARANCES:

Community Development

Purpose and Recommendation

The purpose of this agenda item is for the Commission to provide direction on tree regulations based on review of the Des Moines Tree Policy Technical Memo (Memo) prepared by the Puget Sound Climate Preparedness Collaborative.

Suggested Action:

Provide direction to City Staff for development of tree retention regulations, including specific permitting requirements, tree removal thresholds, incentives for tree protection, and/or canopy requirements.

Background

Tree canopy is an important way to mitigate the impact of rising temperatures due to climate change. Shaded pavement can experience temperature reductions of up to 6°C compared to unshaded surfaces, while large green spaces can create cooling effects that extends 50 to 500 meters into surrounding areas. Currently, the City of Des Moines has limited regulations related to tree protection. The proposed ordinance would not include critical areas (such as wetlands or hillsides) as this is covered under the City's Critical Area Ordinance in the Municipal Code. Trees on public property are managed separately by the Public Works Department, primarily in connection with stormwater infrastructure and maintenance.

The City Council reviewed the Memo and presentation and generally seems open to reviewing options within all categories of codes. Council wanted to ensure that regulations were not too restrictive for homeowners.

Discussion

The attached memo provides an overview of tree canopy policies relevant to Des Moines, including case studies from jurisdictions across Washington and the Pacific Northwest. Commission direction is requested on approaches to the City's tree regulations.

The Memo is broken into the following categories:

- General Permit Requirements
- Tree Removal Thresholds (during property development)
- Landmark or Heritage Tree Programs
- Fee-in-Lieu Option
- Tree Removal/Replacement Rule — Non-Development Scenarios

There are multiple options Des Moines could implement to begin preserving tree canopy on private properties, including starting a Landmark Tree Program, putting tree retention policies in place for development scenarios, or even instating restrictions in non-development scenarios.

While many jurisdictions share similar goals, the primary differences lie in how tree retention is calculated and enforced. Options range from flexible tree credit systems to requiring a minimum percentage of trees to be retained during development. Some jurisdictions also include a fee-in-lieu option, allowing property owners who cannot meet retention or replacement requirements to contribute to a dedicated tree fund that supports urban forest maintenance.

One of the more straightforward approaches is to regulate tree removal in non-development scenarios. Currently, the City does not limit tree removal on private property outside of critical areas. Establishing reasonable limits—such as a cap on the number of trees that can be removed within a defined timeframe—could help slow canopy loss. These regulations are typically less complex than development standards and may serve as an effective initial step.

Staff is looking for direction on what the Commission would like to see included in the City's Tree Ordinance.

For tree retention thresholds during development:

- Should it be by Canopy Percentage or a tree credit system ?
- By zone or by Commercial/Residential?

For Non-development restrictions:

- Should the city allow tree removal without permit? If so how many?
- Quantity limits on removal per year?

Tree replacement/Fee-In-Lieu option:

Should replacement trees be only in addition to other required landscaping?

Should there be priority types or reduced quantities when planting larger trees?

Should there be more required replacement for larger trees?

What should the criteria for a Heritage tree program be:

- Age?
- Size?
- Type?
- What benefits? Reduced landscape requirements?

Next Steps: City staff will draft an ordinance amending the Des Moines Municipal Code based on direction and return to the Planning Commission for further discussion and Public Hearing prior to Council for adoption.

TECHNICAL MEMO: Des Moines Tree Policy

PUGET SOUND CLIMATE PREPAREDNESS COLLABORATIVE

Prepared by:
Adriana Apintiloaiei
n-aapintiloaiei@kingcounty.gov

Funded by the Department of Commerce and the National Oceanic and Atmospheric
Administration through the Inflation Reduction Act

version date: May 20, 2026



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Executive Summary

The Puget Sound Climate Preparedness Collaborative (Collaborative) is a network of local and county governments, Tribes, and organizations in the Puget Sound basin working together to advance climate preparedness. In 2024, the Collaborative was awarded a three-year federal grant from the National Oceanic and Atmospheric Administration to expand climate adaptation learning, collaboration, and technical support opportunities for Puget Sound jurisdictions and Tribes. As part of the grant, the Collaborative launched a Small Communities Cohort Program designed to provide shared staffing and consulting support for climate preparedness projects led by Tribes and smaller, less-resourced jurisdictions across the Puget Sound region.

The Small Communities Cohort Program will support the City of Des Moines in researching and identifying relevant tree retention policies for private property.

As a deliverable for Task 4 of the Des Moines scope of work, this technical memo reports key findings, relevant policies, and locally relevant case studies of tree canopy retention policies. Key takeaways include:

- Many cities are implementing Landmark and Heritage Tree programs to protect important trees.
- Tree retention mechanisms differ by city, including tree credit programs, tree canopy requirements, tree coverage areas, and more.
- Tree protection during non-development scenarios is an area with less defined rules for tree removal.

Identifying different policy options for tree canopy retention and management on private properties in the City of Des Moines will help the city maintain its tree canopy cover and reduce impacts of urban heat (Task 4). Information from this analysis will be used to analyze and provide recommendations for policy and code updates for Des Moines.

Introduction

The Puget Sound Climate Preparedness Collaborative (Collaborative) is a network of local and county governments, Tribes, and organizations in the Puget Sound basin working together to advance climate preparedness. In 2024, the Collaborative was awarded a three-year federal grant from the National Oceanic and Atmospheric Administration to expand climate adaptation learning, collaboration, and technical support opportunities for Puget Sound jurisdictions and Tribes. As part of the grant, the Collaborative launched a Small Communities Cohort Program (SCCP) designed to provide shared staffing and consulting support for climate preparedness projects led by Tribes and smaller, less-resourced jurisdictions across the Puget Sound region. The program will support Des Moines in completing tree canopy policy research. Knowing what other cities and jurisdictions across the Puget Sound are doing to maintain tree canopy on private property will allow Des Moines to have stronger tree retention and urban tree canopy cover.

Task 4 of the Des Moines SCCP project conducts an assessment of relevant policies and codes for tree retention. Information summarized in this review was drawn from existing data sources and reports, including information and policies from communities around the Pacific Northwest. The Project Team also consulted with Des Moines throughout the literature review process to ensure the appropriate information was covered to accomplish the goals outlined for Task 4.

The following review provides foundational information and regional examples to exemplify how Des Moines might address tree retention on private property.

Background

Tree canopy is an important way to mitigate the impact of rising temperatures due to climate change. Shaded pavement can experience temperature reductions of up to 6°C compared to unshaded surfaces, while large green spaces can create cooling effects that extend 50 to 500 meters into surrounding areas (Alonzo et al., 2025).

Des Moines has limited tree regulations, ([Guide-to-Developing-Effective-Urban-Tree-Regulations-on-Private-Property](#)), with limited or no regulations for tree removal on private properties, aside from the removal of trees in critical areas. Trees located on public property are handled separately under the public works department, primarily within stormwater management. From the City of Des Moines Tree Code:

“Trees on private developed, partially developed, or undeveloped lots. No limitations other than a tree permit is required where the total area to be cleared is 2,000 square feet or greater.”

This code allows private property owners to clear trees that contribute to the canopy cover of Des Moines with little restrictions. The majority of tree canopy cover in King County is located on private properties (King County, 2024), meaning that limited regulation will allow for faster clearing of canopy cover.

Des Moines has done work to restore and maintain urban forests across the city through the Green Des Moines Partnership program. The city has been working with the Port of Seattle, community groups, schools, non-profits, and more to assess current tree canopy, create a 20-year plan, and implement projects in parks across Des Moines. While this program has created positive outcomes for tree canopy in Des Moines, its focus on public trees still leaves a gap to address in urban tree canopy work.

Methodology

Des Moines staff were consulted to determine what policy topics were of interest to the city. Key resources including King County’s “Guide to Developing Effective Urban Tree Regulations on Private Property” and the Municipal Research and Services Center’s Urban Forestry page were used to develop a list of jurisdictions to research. Jurisdictions assessed included:

Bellevue
Bellingham
Burien
Issaquah

Maple Valley
Mountlake Terrace
North Bend
Portland
SeaTac
Tumwater
University Place
Vancouver (WA)

Tree policies and ordinances can be included as their own section called Tree Codes or included in an existing section of the Municipal Codes a city already has.

Tree Canopy Policies

This section provides an overview of tree canopy policies relevant to Des Moines, including relevant case studies from around Washington and the Pacific Northwest.

General Permit Requirements

Many jurisdictions require a basic process for acquiring a permit to remove trees on private property. This permit requirement is for development scenarios and typically does not apply to removing a tree when no development is occurring. King County's Guide to Developing Effective Urban Tree Regulations on Private Property lays out the typical requirements:

1. Permit Application
 - a. Either included in the development permit application or as a separate tree removal permit application.
2. Arborist Report
 - a. A certified professional will assess the site and report on things such as a tree inventory on the property.
3. Site Plan
 - a. Significant trees should be identified based on the arborist report. The plan should include the location of all the proposed and existing improvements within the main project area.
4. Tree Retention or Protection Plan
 - a. This plan will include proposed tree removals, location, size and species of replacement tree plantings, and mitigation measures or alternative methods proposed for the protection of existing trees

Tree Removal Thresholds

One of the main ways that jurisdictions limit the number of trees being removed during development of properties is to set tree removal thresholds.

Burien's Tree Credit System- The city of Burien has developed a system to measure the amount of tree credits associated with different land use types. Different types of trees are worth different amounts of tree credits. Larger trees are worth more tree credits and existing trees are worth more than trees that will be planted. This prioritizes more mature existing trees when creating the tree retention plan necessary to move forward with development.

Land Use Type	Required Minimum Tree Credits per 1,000 square feet of developable area
Single-family development (detached dwellings, ADUs and DADUs) and townhouses on individual lots.	1
Multi-family development (attached dwellings including townhouse apartments and cottage housing)	1
Commercial, industrial, or non-residential lots	0.15

Table 1. Required Minimum Tree Credits

In most cases, where applicable, 50% of the required tree credits from a property must be met through existing trees. In the cases that this isn't possible, replacement trees will be prioritized over the fee-in-lieu option of meeting tree credit

Portland's Title 11 Tree Code- Portland's tree code requires new development to meet on-site tree density requirements, including required tree area (Table 2) and required tree density (Table 3). Applicants may choose Option A or Option B for calculating required tree area except only Option A may be used to apply standards to a "Development Impact Area" (Table 2).

Development Type	Option A	Option B
One to Four Family Residential	40% of site or development impact area	Site area minus building coverage of existing and proposed development
Multi Dwelling Residential	20% of site or development impact area	
Commercial/Office/Retail/Mixed Use	15% of site or development impact area	
Industrial	10% of site or development impact area	
Institutional	25% of site or development impact area	
Other	20% of site or development impact area	

Table 2. Determining Required Tree Area

Once the tree area is calculated, the required tree area must be planted with some combination of small, medium, and large canopy trees. The calculation of specific canopy sizes is listed in Portland's code under Chapter 11.60, technical specifications.

Canopy Size Category	Number of Trees required per size of tree area	Minimum required planting area per tree (min. Dimension)
Large	1 per 1,000 s.f.	150 s.f. (10' x 10')
Medium	1 per 500 s.f.	75 s.f. (5' x 5')
Small	1 per 300 s.f.	50 s.f. (3' x 3')

Table 3. Number of required trees and tree planting area

Mountlake Terrace's Tree Removal Protections- Mountlake Terrace updated their tree retention policies to further protect trees on private property. From their municipal code update:

“For any site proposed to be developed or cleared containing significant trees, at least twenty-five percent (25%) of the viable significant trees must be retained. If this tree retention requirements is met, no further action is required. When 25% tree retention cannot be met, a combination of (1) tree retention, (2) tree replacement above and beyond City landscaping requirements for site development, and/or (3) tree fee-in- lieu must be used to mitigate the impacts of all significant viable trees removed from the site.”

The city defines a significant tree as any tree that meets or exceeds 6 inches in diameter at breast height (DBH) for deciduous tree or 7 feet tall for coniferous trees. If viable significant trees need to be removed, they must be replaced. The replacement rate is dependent upon the maturity and size of the significant tree removed.

- For each significant tree between 6 inches and 12 inches DBH removed, 3 replacement trees are required.
- For each significant tree between 12 inches and 24 inches DBH removed, 5 replacement trees are required.
- For each significant tree between 24 inches and 48 inches DBH removed, 7 replacement trees are required.
- For each significant tree greater than 48 inches DBH removed, 10 replacement trees are required.

Additionally, the City has instituted incentives to go above and beyond the tree retention requirements listed previously.

“The CED Department may grant reductions or adjustments to other site development standards if the protection levels previously identified in this subsection are exceeded. On a case-by-case review, the CED Department shall determine the balance between tree protection that exceeds the established minimum percentage and variations to site development requirements. If adjustments or reductions to site development standards are granted under this provision, then tree protection requirements shall be recorded on the face of the plat, as a notice to title, or on some other legal document that runs with the property.”

Incentives may include:

- Reduction of a rear yard and/or side yard building setback to compensate for significant or heritage tree preservation provided that the setback is not reduced more than five (5) feet, and is the minimum reduction required for tree preservation, and complies with other applicable codes; or

- Increase in the amount of allowable impervious surface by 5%; or
- Reductions or variations of the area, width, or composition of required open space and/or landscaping; or
- Variations in parking lot design and/or any access driveway requirements; or
- Variations of grading and stormwater requirements; or
- Variations in frontage improvements; or
- Reduction in stormwater capital facilities fees.

Bellevue’s Tree Removal Guidelines- Bellevue has placed restrictions on tree removal on private property during development. They have an additional chapter of the municipal code (Chapter 23.46 BCC, Clearing, and Grading Code) for the removal of trees in non-development scenarios. Removal of any trees that meet the following conditions will require a permit for tree removal:

- Removal of any landmark tree. A landmark tree is generally considered at least 24 inches in diameter (75 inches in circumference) or greater, measured four feet above the existing grade.
- The new regulations also include a landmark tree table with alternate, lower diameter thresholds that apply to several slower growing, but high-quality native tree species.
- Removal of any significant trees. A significant tree is at least six inches in diameter (19 inches in circumference) or greater, measured four feet above the existing grade.
- The tree is located in a designated critical area, buffer or structure setback required in Land Use Code 20.25H.
- The tree is located within 50 feet of a shoreline, in the Vegetation Conservation Area required in Land Use Code 20.25E.
- The property is a commercial or multifamily zoned property
- The tree is in a native growth protection area or a retained vegetation area easement or tract.

In addition, replanting requirements apply in certain circumstances. Replanting is always required to remove trees on nonresidential property, unless the property will still meet its required minimum tree density and its approved development landscaping requirements. If removing trees from residential property and outside of shoreline, critical areas, and buffers, you may remove a limited number of significant or landmark tree per year without planting replacement trees, provided there will be trees that remain after the removal. This limit depends on the size of your property.

Property Size	Maximum Annual Tree Removal without Replacement	Significant or Landmark Trees to Remain After Removal
Up to 10,000 square feet	1 landmark tree or 2 significant trees	2
10,0001 - 20,000 square feet	1 landmark tree or 3 significant trees	3
20,001 - 40,000 square feet	1 landmark tree or 4 significant trees	4

40,001 square feet or greater	1 landmark tree or 4 significant trees	8
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Table 4. Number of Trees Allowed to be Removed per year

City of Issaquah’s Tree Canopy Coverage Requirements- Canopy coverage goals are dependent upon property zoning type. Tree canopy coverage goals outlined in the table below are to be measured by the canopy provided by all existing trees or the projected canopy to be provided by planted trees when they reach 20 years of age.

Zoning	Canopy Coverage
Conservancy	85% 75%
Community Facilities	85% 40% 25%
Single-Family Lots Greater Than 15,000 Square Feet	60%
Single-Family Lots 10,000 – 14,999 Square Feet	45%
Single-Family Lots 5,000 – 9,999 Square Feet	35%
Single-Family Lots Less Than 5,000 Square Feet	25%
Multifamily	30% 25%
Retail	25%
Mixed Use	25%
Commercial	25%
Urban Village	25%

Table 5. Zoning Tree Canopy Coverage

Tree retention is prioritized, meaning developers are asked to maintain certain trees when possible. The priority ranking is as follows:

1. *Priority One.*

- Significant trees rated as excellent or good.
- Significant trees that form a continuous canopy.
- Significant trees on slopes greater than 20 percent.
- Significant trees adjacent to critical areas and their associated buffers.

- Conifer species such as the Douglas fir and western red cedar.
 - Significant trees over 60 feet in height or greater than 18 inches DBH.
2. *Priority Two.*
- Healthy tree groupings whose associated undergrowth can be preserved.
3. *Priority Three.*
- Significant alders, cottonwoods, ornamental trees, and fruit trees that are native to Western Washington.
 - Significant trees rated as fair that are native to Western Washington.
 - Other significant trees that are not native to Western Washington.

Maple Valley's Tree Retention Requirements-

The applicant for the permit will prepare a canopy coverage calculation. The canopy coverage calculation may be merged with the Tree Retention Plan and/or landscaping plan for the proposal. The canopy coverage calculation shall show retention and planting of trees at mature canopy coverage of the total site area to equal or exceed: 15 percent for commercial developments within the Commercial Zones if there is no residential component. Zones meeting the landscape requirements contained in MVMC § **18.40.130(F)**: 20 percent for all residential development with the Residential Zones. Other developments meeting the landscape requirements contained in MVMC § **18.40.130(F)**, on the Legacy Site, will be excluded from canopy coverage from this section, calculated as follows:

- Retained landmark trees shall be calculated at 1,650 square feet each, regardless of canopy coverage or dripline area, or as marked in the field and measured by the proponent;
- Retained significant trees shall be calculated at 1,100 square feet each, regardless of canopy coverage or dripline area, or as marked in the field and measured by the proponent;
- Retained trees shall be calculated at 900 square feet each, regardless of canopy coverage or dripline area;
- Planted significant trees meeting the minimum planting standard shall be calculated at 300 square feet each;
- Planted significant trees exceeding the minimum planting standard by 50 percent shall be calculated at 550 square feet each; and
- Planted significant trees meeting the definition of large nursery stock and exceeding the minimum planting standard by 100 percent shall be calculated at 750 square feet each.

SeaTac's Tree Retention and Protection- SeaTac has tree retention policies in place for new development scenarios. Significant trees within new short plats and long subdivisions shall be retained as follows, unless an alternative allowed by this subsection is used:

- Residential low density zones: two (2) significant trees.
- All other zones: three (3) significant trees, or twelve percent (12%) of the significant trees on site, whichever number is greater.

Any significant tree proposed to be retained that is removed during the final short plat or preliminary plat approval process, or during the construction of a residence on a lot, shall be mitigated as follows:

Within Low Density Residential Zone-

- For each significant tree removed, two (2) deciduous trees, a minimum of two (2) inches in caliper measured at four (4) feet from its base at the time of planting; or
- Two (2) evergreen trees with a minimum height of eight (8) feet, not including growth leaders; or
- Any combination of the above, with a minimum of two (2) trees.
- All trees required to be replanted shall be replanted prior to the final inspection of the residence.
- No mitigation for the removal of significant trees shall be required once the builder of a detached dwelling unit on any lot containing significant trees transfers ownership of the lot and residence to another party, or when a certificate of occupancy is issued to the same party.

Within all other zones-

- For each significant tree removed, three (3) deciduous trees, a minimum of two (2) inches in caliper measured at four (4) feet from its base at the time of planting; or
- Three (3) evergreen trees with a minimum height of eight (8) feet, not including growth leaders; or
- Any combination of the above, with a minimum of three (3) trees.
- All trees required to be replanted as mitigation shall be replanted prior to occupancy

No significant trees shall be removed from any multi-family, commercial, or industrial zone property without obtaining a no-fee “Tree Clearing Permit” from the Department. The property owner shall demonstrate at least one (1) of the following criteria in order to obtain a “Tree Clearing Permit”:

- A tree constitutes a safety hazard to any structure on the property and to any structures on adjacent properties as determined by the City; or
- A tree is dead; or
- The tree is significantly diseased and will die as determined by the City; or
- The property owner has an approved building permit for a new development on the property.

Tree Replacement Ratios

Trees removed either as part of planned development or through unlawful practices are subject to replacement requirements. These replacement ratios vary by jurisdiction and tend to be more severe for unlawful tree removal.

Burien’s Tree Replacement- The city of Burien’s code says any exceptional healthy tree required to be removed as part of a development permit requires replacement at a ratio of three (3) trees for each tree removed and shall follow size and planting standards in this section. This

replacement is in addition to the minimum required tree credits. For unlawful removal of trees, the *replacement ratio is tied to size of the tree removed.*

Table 19.26.100-1 Tree Replacement for illegal removal of trees

Diameter at standard height (DSH) of tree removed	Number or required replacement trees
6 to 10 inches DSH	1
Larger than 10 inches and up to 14 inches	2
Larger than 14 inches and up to 18 inches	3
Larger than 18 inches and up to 22 inches	4
Larger than 22 inches and up to 26 inches	5
Larger than 26 inches and up to 30 inches	6
Larger than 30 inches and Exceptional trees where an exception pursuant to BMC 19.26.040(2)(C) has not been granted	7
Exceptional trees granted an exception pursuant to BMC 19.26.040(2)(C)	8

Table 6. Tree replacement ratios for the City of Burien

Mountlake Terrace's Replacement Ratios- Tree replacement on-site is required for tree removal associated with development, above and beyond required landscaping. Each viable significant tree to be removed shall be replaced as follows:

- For each significant tree between 6 inches and 12 inches DBH removed, 3 replacement trees are required.
- For each significant tree between 12 inches and 24 inches DBH removed, 5 replacement trees are required.
- For each significant tree between 24 inches and 48 inches DBH removed, 7 replacement trees are required.
- For each significant tree greater than 48 inches DBH removed, 10 replacement trees are required.

Bellevue's Replacement Ratios- For significant trees the replacement ratio is 1:1. Significant tree: 1:1. For landmark trees the requirement is 3 replacement trees, or two large conifer species trees. Hazardous trees don't require replacement, except when required to maintain any applicable landscaping standards. The number of replacement trees required to be planted on the site may be reduced by the director if there is adequate tree density on the site.

Table 23.76.060.G. Residential Tree Removal Allowances Without Replacement

Site Size	Annual Replanting Threshold	Significant or Landmark Trees Remaining on the Site
Up to 10,000 square feet	Removal of 1 landmark tree or 2 significant trees	2
10,001 to 20,000 square feet	Removal of 1 landmark tree or 3 significant trees	3
20,001 to 40,000 square feet	Removal of 1 landmark tree or 4 significant trees	4
40,001 square feet or greater	Removal of 1 landmark tree or 4 significant trees	8

Table 7. Bellevue’s replacement ratios

City of Issaquah’s Replacement Ratios- Tree replacement: 1:1 and must provide canopy coverage equal to or greater than the tree(s) being removed. This requirement may be waived if the site meets or exceeds the canopy coverage targets even after the removal of the tree(s) at issue.

Maple Valley’s Replacement Ratios- Loss of any retained tree due to wind, disease, or other natural causes, or illegal removal shall be replaced by one or several trees per planting standard Canopy Coverage requirements. Replacement trees must equal the canopy lost, with the exception of street trees which shall be planted at a one-to-one ratio.

Landmark or Heritage Tree Ordinances

Many jurisdictions see the benefit of protecting trees of a certain size or importance to the community (either historically or aesthetically). These programs are typically designated as Landmark Tree Programs or Heritage Tree Programs.

Bellingham’s Landmark Tree Ordinance- Bellingham developed a Landmark Tree Ordinance that protects the most significant trees from being cut down. Significant trees are described as those that are oldest and largest, measuring 36 inches or larger in diameter at breast height.

A landmark tree inventory was established to understand where these significant trees are located. A permitting process was developed for the removal of landmark trees. Those who remove these trees illegally without a permit are subject to fines ranging from \$800-\$5000 per violation.

Removal is possible with approval from the Director of Planning under certain circumstances:

- The tree is hazardous as defined within the ordinance
- It's necessary to enable construction on or reasonable use of a property and an applicant has demonstrated that all reasonable efforts have been examined with the intent to avoid and minimize the removal of a landmark tree.
- It's necessary to maintain utilities, access, or to fulfill the terms of an easement of covenant record prior to the adoption of the ordinance.

Vancouver's Heritage Tree Program- The city of Vancouver, Washington has a Heritage Tree Program to protect special trees. A tree can be nominated on either private or public property. A tree will be eligible for the program if it meets any or all of the following criteria:

- Size: a diameter of at least 36 inches
- Special site location
- Relation to a historical event
- Unusual species for the area or exemplary form for the species
- A grove may be considered if it meets any of the following requirements:
 - Mature and contains trees that are distinctive due to size, shape, species or age
 - Associated with a historical event
 - Relationship with a natural resource, such as a stream bank

A key feature of this program is that once a tree is nominated with consent from a property owner, this is binding for all future owners, successors, and heirs of the property. This policy has similar intentions to Bellingham's Landmark Tree ordinance.

Burien's Heritage Tree Designation- This designation allows for stronger protection for trees that are considered more significant due to their size, age, location, aesthetics, or association with an event significant to the city of Burien.

Mountlake Terrace's Heritage Tree Program- Anyone can nominate a tree on public property and property owners can nominate trees on their own property. The nominated tree must be at least 36 inches at DBH and must have another characteristic that makes the tree special and worthy of heritage tree status (distinctive size, shape, species, historical significance, and/or age.) The process will incur approximately \$650-850 in fees for the arborist report, documentation, and application fee, which are required to be paid by the applicant.

Fee-in-Lieu Option

In the case that a developer or property owner cannot meet the requirements for tree retention on a plot of land, some jurisdictions offer an option to pay a fee rather than keeping or planting a tree. This option allows flexibility for developers and often contributes to a tree fund of tree maintenance for the jurisdictions.

City of Burien's Fee-in-Lieu option- Burien's tree code requires that trees of significance that are cut down over the allowable tree canopy credit limit be replaced. However, with this option the property owner or developer is allowed to pay a fee to the city rather than replace the tree. The fee-in-lieu amount covers the cost of the tree, installation including labor and equipment, maintenance for two years, and fund administration. This money is then utilized by Burien's urban forestry initiative to meet current objectives and goals of the city.

City of Mountlake Terrace's Tree Fee-in-Lieu option- Mountlake Terrace's tree replacement requirements state that trees that can't or won't be replaced on the development site can pay the fee-in-lieu option instead. The amount of the fee shall be multiplied by the number of trees necessary to satisfy the tree replacement requirements (MTMC 19.130.190) and shall be deposited into the city's tree fund.

- The fee shall be paid to the city prior to the issuance of a civil or building permit.
- Exemption: If the development meets the requirements for affordable housing as defined by RCW 84.14.010 for a minimum of 20% of the housing units, tree fee-in-lieu fee requirements are waived.
- Tree replacement fees as specified in the civil engineering construction development fee schedule (in 2024 fee schedule, cost is \$781 per replacement tree.) Tree replacement fee is based on wholesale cost for a two (2) inch caliper tree with tax; labor for planting and summer watering for first three (3) years; plus replacement cost for anticipated 20% street tree mortality.

City of Bellevue's Tree Fee-in-Lieu option- Bellevue allows the permit applicant to pay a fee if they have considered all other planting options and found them to be infeasible. Bellevue's fee is \$1300 per tree credit as of July 16th, 2024. This fee covers the cost of the tree, installation (including labor and equipment), maintenance for 3 years, and fund administration fees. The fee is subject to change each year at the directors discretion, in accordance with Seattle's Consumer Price Index for Wage Earners and Clerical Workers. The fee-in-lieu funds will be used by the city to support tree canopy and related initiatives.

Tree Replacement Rule- Non-Development Scenarios

The rules for tree removal are different when in non-development scenarios. Some jurisdictions may limit the number of trees that can be removed per year. An example is that the City of Burien allows one tree to be removed per calendar year for lots up to 5,000 square feet. The property owner is still required to submit proper documentation of the tree removal. This adds another layer of protection for trees on private property and minimizes the speed with which tree canopy can be removed on private land.

While there are regulations in place for tree removal in non-development scenarios, there are instances when the property owner may bypass the regulations to act more quickly in removing a tree. Some examples of tree removal options that may be exempt from the permitting process include annual removal allowances, emergency/hazard tree removal, standalone tree removal, and nuisance tree removal (King County guide).

University Place allows for up to 5 trees (only those not listed on their specific retention list UPMC 19.65.270(C)) to be removed in a 36 month period without a removal permit. Any trees beyond that limit, the property owner must acquire a tree removal permit.

North Bend requires a clearing and grading permit for the removal of any significant tree(s). Single family lot homeowners are allowed to clear up to 10 trees per year without a permit, unless the tree is within a native growth protection easement or within 150 feet of a critical area. In emergency situations that pose an imminent threat to life or property, a tree may be removed

without prior permitting or approval from the City. Additionally, any trees that are hazard, dead, or dying may be removed with a letter of request submitted to the city.

Conclusion & Next Steps

Tree canopy cover is an important tool in mitigating the urban heat island effect. Prioritizing and protecting tree canopy will benefit the City of Des Moines by providing lower temperatures across the city. There are multiple options Des Moines could implement to begin preserving tree canopy on private properties, including starting a Landmark Tree Program, putting tree retention policies in place for development scenarios, or even instating restrictions in non-development scenarios.

While many cities have similarities in how they preserve tree canopy, the biggest differences are found in the way retention requirements are calculated. Options range from creating a tree credit program to requiring a strict percentage of trees on the property to be retained during development. Additionally, some jurisdictions allow for those who can't meet retention or replacement requirements to pay a fee-in-lieu option. This is another consideration for Des Moines, as these fee-in-lieu options typically pay into a tree fund that helps with urban forest maintenance.

One of the simplest ways Des Moines can work toward maintaining tree canopy is by creating restrictions on tree removal in non-development scenarios. The current code does not restrict property owners from removing trees on their property at all. By creating a code that limits the number of trees that can be removed, either on a yearly basis or other time frame, the city can slow canopy loss. The restrictions on non-development scenarios typically are less complicated than the retention requirements for development scenarios, making them an easy step for Des Moines to take.

Overall, Des Moines has many different possibilities for addressing tree canopy retention. The city will need to decide what approach works best for them, particularly regarding what retention requirements they would like to set on development scenarios.

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