

ORDINANCE NO. 218

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, AMENDING CHAPTERS 21.06 AND 21.16 OF THE WOODINVILLE MUNICIPAL CODE (WMC) TO ADD A NEW SECTION DEFINING DANGER TREES; AMENDING WMC SECTION 21.06.598, DEFINING SIGNIFICANT TREES; AMENDING WMC SECTIONS 21.16.130, .140, .150, AND .170, AMENDING SIGNIFICANT TREE RETENTION REGULATIONS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City completed an application for a Zoning Code Amendment on June 10, 1998;

WHEREAS, the City Council requested the amendment to the Zoning Code to augment the preservation of significant trees in the city;

WHEREAS, the City issued a SEPA Determination of Nonsignificance on August 17, 1998, consistent with RCW 43.21C;

WHEREAS, the Planning Commission held a public hearing on the proposed Zoning Code Amendment on September 2, 1998, and recommended approval of the application and that the City Council amend the Zoning Code accordingly;

WHEREAS, the City Council has found the amendment to have met the required criteria and has made the following findings:

1. The amendment is consistent with the purposes of the Comprehensive Plan;
2. The amendment is consistent with the purpose of this title;
3. The benefit or cost to the public health, safety and welfare is sufficient to warrant the action;

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Section WMC 21.06 is hereby amended to include a new section WMC 21.06.139 to read as follows:

21.06.139 **Danger Tree.** Danger tree: any tree with a combination of structural defect and/or disease that makes it subject to a high probability of failure (according to the current International Society of Arboriculture's Tree Hazard Evaluation Standards for Hazard Tree Rating), and a proximity to persons or property that is immediately threatening, as determined by a certified arborist.

Section 2. Section WMC 21.06.598 is hereby amended to read as follows:

21.06.598 **Significant tree.** Significant tree: an existing healthy tree which, when measured 4.5 feet above grade, has a minimum diameter of eight (8) inches, as measured according to the International Society of Arboriculture's "Guide for Plant Appraisal," 8th edition, or as hereafter amended.

Section 3. Section WMC 21.16.130 is hereby amended to read as follows:

21.16.130 **Significant trees - retention required.**

- (1) Preservation of significant trees shall be given priority when developing site designs and layouts. When there are feasible alternatives for the location of proposed buildings or improvements on the site, the preservation of significant trees shall occur according to the following minimum requirements:
 - (a) All significant trees located within any required perimeter landscaping area shall be retained;
 - (b) Ten (10) percent, or ten (10) trees per acre, whichever is greater, of the significant trees located in the interior of the lot, excluding sensitive areas or their buffers shall be retained, or replaced in accordance with WMC 21.16.170, in institutional or residential developments, including short subdivisions and subdivisions. Additions, alterations, or site work related to an existing single family home are exempt;
 - (c) Five (5) percent, or five (5) trees per acre, whichever is greater, of the significant trees located in the interior of the lot, excluding sensitive areas or their buffers shall be retained, or replaced in accordance with WMC 21.16.170, in utility, commercial, or industrial developments;
 - (d) If significant trees were previously located in a closed, forested situation, an adequate buffer of smaller trees shall be retained or replaced on the fringe of such significant trees;
 - (e) A grouping of three (3) or more existing trees with canopies that touch or overlap, may be substituted for each required significant tree, provided each tree has a diameter of at least three (3) inches when measured four (4) feet above grade;
 - (f) Except as provided in subsection g, significant trees to be retained shall not include significant trees that are:

- (i) Identified by a certified arborist to be damaged, diseased, or a danger tree;
 - (ii) Determined by a certified arborist to be safety hazards due to potential root, trunk or primary limb failure, or exposure of mature trees which have grown in a closed, forested situation.
- (g) At the discretion of the Planning Director, damaged or diseased or standing dead trees may be retained and counted toward the significant tree requirement if demonstrated that such trees will provide important wildlife habitat and are not classified as a danger tree.
- (h) It shall be the responsibility of the applicant to pay for the services of the required arborist.
- (2) If the applicant's site design and layout fails to retain the required percentage of significant trees as set forth in WMC Section 21.16.130(1), the Planning Director shall require the site design and layout to be redesigned to preserve the required percentage of trees. Such redesign can include, but is not limited to, streets, sidewalks, stormwater facilities, utilities, parking lots, site grading, and buildings.
- (3) The applicant's site design and layout shall be exempted from WMC 21.16.130(2) if the replacement of the significant trees is consistent with the intent of this chapter and the applicant meets any of the following criteria:
- (a) Redesign of the site will result in substantial economic harm to the applicant, such as an increase of 25 percent or more in development costs;
 - (b) The redesign of the site cannot be achieved without threatening the viability of the retained trees, as determined by a certified arborist; or
 - (c) No feasible way to redesign the site design and layout exists without violating city regulations or ordinances.
- (4) When no new development is proposed, significant trees may be removed, provided:
- (a) No permit is required for removal of up to five (5) significant trees per twelve-month period or five (5) significant trees per acre per twelve-month period, except in sensitive areas as provided by WMC 21.24.
 - (b) Removal of more than five (5) significant trees per twelve-month period or five (5) significant trees per acre per twelve-month period requires approval of a land surface modification permit.
 - (c) The land surface modification application shall include the following:
 - (i) Identification of sloped areas more than fifteen (15) percent in grade.
 - (ii) Location of any streams or wetlands on or within 100 feet of the property.
 - (iii) Tree retention plan per WMC 21.16.140.

- (iv) Tree replacement plan per WMC 21.16.170.
- (v) Erosion control plan, if required.
- (d) Removal of more than 5,000 board feet of wood may require a permit from the State Department of Natural Resources.
- (e) For any amount of significant tree removal, tree replacement according to WMC 21.16.170 must be performed to mitigate for the removed significant trees.
- (f) If more than five (5) significant trees per twelve-month-period or five (5) significant trees per acre per twelve-month period are removed without a land surface modification permit, a daily penalty shall apply as set forth in WMC Section 15.03.100. Immediate replacement as set forth in WMC 21.16.170 will be required.

Section 4. WMC 21.16.140 is hereby amended to read as follows:

21.16.140

Significant trees - retention plan. The applicant shall submit a tree retention plan concurrent with a land surface modification permit, site development permit, building permit, design review, SEPA, preliminary subdivision, or short subdivision application, whichever is reviewed and approved first. Prior to determination of a complete application, the Planning Director or his/her designee shall make a site visit to confirm the presence of significant trees. The tree retention plan shall consist of:

- (1) A tree survey that identifies the location, size, and species of all significant trees on a site. The tree survey may be conducted by a method that locates individual significant trees or by using standard timber cruising methods to reflect general locations, numbers, and grouping of significant trees provided that, when using either method, the survey:
 - (a) Shall also show the location and species of each significant tree that is intended to qualify for additional credit pursuant to WMC 21.16.150, and
 - (b) Any tree eighteen (18) inches or greater diameter for the purpose of establishing wildlife habitat value;
- (2) A development plan identifying the significant trees that are proposed to be retained, transplanted, or restored.
- (3) A report by certified arborist to include, as a minimum, the following:
 - (a) Plan review and impact assessment;
 - (b) Recommendations to reduce impact where impact is considered too severe;
 - (c) Tree preservation guidelines to be incorporated during site development;
 - (d) Maintenance recommendations for completed project.

Section 5. WMC 21.16.150 is hereby amended to read as follows:

- 21.16.150 Significant trees - incentives for retention.** Each significant tree that is not located in the area for perimeter landscaping and is retained may be credited as two trees for complying with the retention requirements of WMC 21.16.130, provided it meets one or more of the following criteria:
- (1) The tree exceeds sixty (60) feet in height, or twenty-four (24) inches in diameter for evergreen trees or thirty (30) inches for broadleaf trees;
 - (2) The tree is located in a grouping of at least five (5) trees with canopies that touch or overlap;
 - (3) The tree provides energy savings through winter wind protection or summer shading as a result of its location relative to buildings;
 - (4) The tree belongs to a unique or unusual species;
 - (5) The tree is located within twenty-five (25) feet of any sensitive area or required sensitive area buffers; and
 - (6) The tree is eighteen (18) inches or greater in diameter and is identified as providing valuable wildlife habitat.

Section 6. WMC 21.16.170 is hereby amended to read as follows:

- 21.16.170 Significant trees - replacement.** When the Planning Director determines that the development design and layout cannot be redesigned to preserve the required number of significant trees as set forth in WMC 21.16.130, the applicant shall include on the tree retention plan the numbers, caliper, and types of replacement trees to be planted. Significant trees that are removed shall be replaced with:
- (1) Transplanted significant trees; or
 - (2) New trees measuring three inch caliper or more, at a replacement rate of one and one-half (1.5) inches diameter for every one (1) inch diameter of the removed significant tree; or
 - (3) New trees measuring less than three inch caliper at a replacement rate of two (2) inches diameter for every one (1) inch diameter of the removed significant tree on a space available basis in conjunction with the site plan.

Section 7. Effective Date. This ordinance shall take effect five days after passage of a publication of an approved summary consisting of the title.

PASSED by the City Council of the City of Woodinville this 12th day of October, 1998.

APPROVED:



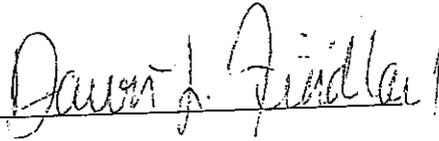
Donald J. Brocha, Mayor

ATTEST / AUTHENTICATED:



Sandra Steffler
City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: 

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO. 218