

ORDINANCE NO. 239

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, AMENDING CHAPTERS 20, 21.06 AND 21.16 OF THE WOODINVILLE MUNICIPAL CODE (WMC) TO ADD NEW SECTIONS TO THE SUBDIVISION REGULATIONS, DEFINING CITY TREE OFFICIAL AND DIAMETER AT BREAST HEIGHT, DELETING WMC SECTION 21.06.598, DEFINING SIGNIFICANT TREES; AMENDING WMC SECTIONS 21.16.050, .075, .090, .130, .140, .150, .160, .170, .180, AND .190 LANDSCAPING AND TREE RETENTION REGULATIONS; AND ADDING PENALTIES WMC SECTION 21.16.200, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City completed an application for a Zoning Code Amendment on May 4, 1999;

WHEREAS, the Tree Board requested the amendment to the Zoning Code to meet the Goals and Policies of the Community Urban Forestry Plan adopted December 14, 1999;

WHEREAS, the City issued a SEPA Determination of Non-significance on May 10, 1999, consistent with RCW 43.21C;

WHEREAS, the Planning Commission held a public hearing on the proposed Zoning Code Amendment on June 2, 1999, and recommended approval with amendments of the application and that the City Council amend the Zoning Code accordingly;

WHEREAS, the City Council has found the amendment meets 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. Amendments to Woodinville Municipal Code Chapter 20. The City of Woodinville hereby adopts amendments to Chapter 20 Subdivision Regulations related to tree preservation as presented in Exhibit 1, which is incorporated by reference as if set forth in full. New text is shown by underline; deleted text is shown by ~~strikethrough~~.

Section 2. Section WMC 21.06 is hereby amended to include new sections WMC 21.06.101 and WMC 21.06.166 to read as follows:

21.06.101 City Tree Official. City Tree Official: the Planning and Community Development Director or his/her designees responsible for implementing the Community Urban Forestry Plan and Regulations. The City Tree Official shall use the expertise of a certified arborist, under contract by the City, for technical advice on decisions related to the community urban forest.

21.06.166 Diameter at Breast Height. Diameter at Breast Height: tree measurement guideline that is the measure in inches of the trunk diameter of each protected or preserved tree 4.5 feet about the ground line.

Section 3. Section WMC 21.06.598 which reads:

21.06.598 Significant tree. Significant tree: an existing health 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.

is hereby deleted.

Section 4. Amendments to Woodinville Municipal Code Chapter 21.16. The City of Woodinville hereby adopts amendments to Chapter 21.16 Development Standards Tree Retention and Landscaping as presented in Exhibit 2, which is incorporated by reference as if set forth in full. New text is shown by underline; deleted text is shown by ~~strikethrough~~.

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 5. 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 23rd day of
August, 1999.

APPROVED:

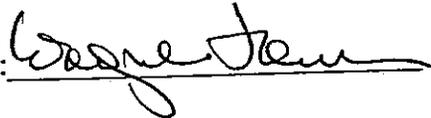


Donald J. Brocha, Mayor

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. 239

CHAPTER 20.02 GENERAL PROVISIONS

SECTIONS:

20.02.010	Title
20.02.020	Authority
20.02.030	Purpose

20.02.010 **Title.** This title shall be known as the City of Woodinville Subdivision Code, hereafter referred to as "this Title."

20.02.020 **Authority.** This Title is adopted by City of Woodinville Ordinance No. 45, pursuant to Chapter 58.17 of the Revised Code of Washington (RCW).

20.02.030 **Purpose.** The intent of this section is to provide criteria, regulations and standards to govern the subdividing of land within the City and to:

- (1) Promote the public health, safety and general welfare in accordance with standards established by the State and the City;
- (2) Promote effective use of land by preventing the overcrowding or scattered development which would injure health, safety or the general welfare due to the lack of water supplies, sanitary sewer, drainage, transportation or other public services, or excessive expenditure of public funds for such services;
- (3) Avoid congestion and promote safe and convenient travel by the public on streets and highways through the coordination of streets within a subdivision with existing and planned streets;
- (4) Provide for adequate light and air,
- (5) Provide for water, sewage, drainage, parks, and recreational areas, sites for schools and school grounds, and other public requirements;

- (6) Provide for proper ingress and egress;
- (7) Provide for the housing and commercial needs of the community;
- (8) Require uniform monumenting of land divisions and conveyance of accurate legal descriptions; ~~and~~
- (9) Protect environmentally sensitive areas; ~~and~~
- (10) Protect and preserve the community urban forest for its aesthetic, environmental and health benefits.

**CHAPTER 20.06 SUBDIVISION AND
SHORT SUBDIVISION REGULATIONS**

SECTIONS:

20.06.010	Purpose
20.06.020	Review and Approval Criteria
20.06.030	Subdivision Names
20.06.040	Lot Standards
20.06.050	Exceptions to Lot Standards
20.06.055	Incentives for Flexible Lot Standards for Large Subdivisions
20.06.060	Easements
20.06.070	Water Supply
20.06.080	Sewage Disposal
20.06.090	Storm Drainage
20.06.100	Water Courses
20.06.110	Underground Utilities
20.06.120	Water and Sewer Standards
20.06.130	Street Standards
20.06.140	Street Right-of-Way and Pavement Widths
20.06.150	Street Lights
20.06.160	Monuments
20.06.170	On-site Recreation and Trail Corridors
20.06.175	<u>Tree Preservation, and Protection</u>
20.06.180	Public Accessways
20.06.190	Clearing and Grading
20.06.200	Improvements, Completion or Guarantee
20.06.210	Improvements - Security for Performance and Warranty
20.06.220	Improvements - Construction
20.06.230	Survey Required

20.06.010 **Purpose.** The purpose of this chapter is to set forth the criteria, standards and requirements for the review and approval of subdivision and short subdivision.

20.06.020 **Review and Approval Criteria -**

- (1) Each proposed subdivision or short subdivision shall be reviewed to insure that:

- (a) The proposal conforms to the goals, policies, criteria and plans set forth in the City of Woodinville Comprehensive Plan, Community Urban Forestry Plan, and Parks, Recreation, and Open Space Plan;
- (b) The proposal conforms to the development standards set forth in Woodinville Municipal Code (WMC) Chapter 21 - Zoning Code;
- (c) The proposal conforms to the requirements of this section and those set forth in WMC 20.06 SUBDIVISION AND SHORT SUBDIVISION REGULATIONS and WMC Section 17.09.020;
- (d) The proposed street system conforms to the City of Woodinville Arterial Street Plan, Public Infrastructure Standards and Specifications and Neighborhood Street Plans, and is laid out in such a manner as to provide for the safe, orderly and efficient circulation of traffic;
- (e) The proposed subdivision or short subdivision will be adequately served with City approved water and sewer, and other utilities appropriate to the nature of the subdivision or short subdivision;
- (f) The layout of lots, and their size and dimensions take into account topography and vegetation on the site in order that buildings may be reasonably sited, and that the least disruption of the site, topography, trees, and vegetation will result from development of the lots;
- (g) Identified hazards and limitations to development have been considered in the design of streets and lot layout to assure street and building sites are on geologically stable soil considering the stress and loads to which the soil may be subjected.
- (h) Safe walk to school procedures, as established by the City, have been met.
- (i) Tree preservation has been considered in accordance with the Community Urban Forestry Plan and tree preservation requirements have been adequately met.

- (2) Lack of compliance with the criteria set forth in Section 20.06.020(1) above shall be grounds for denial of a proposed subdivision or short subdivision, or for the issuance of conditions necessary to more fully satisfy the criteria.
- (3) No final plat or short subdivision shall be approved unless:
 - (a) The final plat or short subdivision is in substantial conformance with the provisions for the preliminary approval, including any conditions imposed as part of the approval.
 - (b) The final plat or short subdivision contains a dedication to the public of all common improvements, including but not limited to streets, roads, sewage disposal and water supply systems which were a condition of approval.
 - (c) All common improvements required as conditions of approval of the proposed subdivision or short subdivision have been referenced on the final plat or short subdivision.
 - (d) City approved water and sewer facilities will be available to each lot created by the division of land.
 - (e) The final plat or short subdivision is in compliance with the provisions of WMC 21.24 Environmental Sensitive Areas and WMC 21.28 Development Standards - Adequacy of Public Facilities.
 - (f) The applicant provides evidence of an adequate water supply for the intended use.
- (4) When the Planning Director finds that the final plat or short subdivision is in substantial conformity to the preliminary approval, he or she shall endorse his or her approval on the final plat or short subdivision and shall implement the final approval and recording procedures set forth in WMC 20.08 SUBDIVISION & SHORT SUBDIVISION PROCEDURES and WMC Chapter 17.

20.06.030

Subdivision Names - No subdivision shall be approved which bears a name using a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in the county, except for the words "town," "city," "place," "court," "addition," "acres," "heights," "villa," or similar words, unless the land so divided is contiguous to the subdivision bearing the same name. All plats must continue the block numbers of the plat of the same name last filed.

20.06.040

Lot Standards -

- (1) Suitability for intended use: All lots shall be suitable for the general purpose for which they are intended to be used. No lot shall be of such size or design as to be detrimental to the health, safety or sanitary needs of the residents of the subdivision or such lot.
- (2) Lots shall be created by following the procedures of WMC 20.08 SUBDIVISION AND SHORT SUBDIVISION PROCEDURES and WMC Chapter 17.
- (3) No lot shall be established which is in violation of the WMC.
- (4) Lot Shapes: Lot shapes shall be designed to avoid awkward configuration or appendages.
- (5) Width, area and frontage: Each lot shall have sufficient width, area and frontage to comply with the minimum site requirements as set forth in WMC 21.12 Development Standards - Density and Dimensions.
- (6) Depth: Each lot should have an average depth between the front and rear lot lines of not less than 1 foot depth for each 1 foot of width.
- (7) Front lot line: For corner lots, double frontage lots, and single frontage lots, the front lot line shall be the property line(s) separating the lot from a street or vehicle access corridor.
- (8) Side lot lines: As much as possible, where topography and natural features permit, side lot lines should run at right angles to the street upon which the lot faces, except that on curved streets they shall be radial to the curve.

- (9) Building setback lines: Where watercourses, topography, geology and soils, vegetation, utilities, lot configuration, or other unique circumstances dictate a different building envelope than that set by WMC 21.12 Development Standards - Density and Dimensions, building setback lines may be required to be shown on the final plat or short subdivision map and observed in the development of the lot.
- (10) Future subdivision of lots: Where the subdivision or short subdivision will result in a lot one half acre or larger in size which is likely to be further divided in the future, it may be required that the location of lot lines and other details of layout be such that future division may readily be made without violating the requirements of this section and without interfering with orderly extension and connection of adjacent streets. It is intended that the lot lines and other details of future subdivision be advisory only, and shall not be final or binding on the applicant unless he makes further application; however, any restriction of buildings within future street locations may be imposed and may require such restrictions to be set forth on the final plat or short subdivision.

20.06.050

Exceptions to Lot Standards

- (1) Cluster - Zero Lot Line - Townhouse Development: The relaxation of building setbacks, lot size and lot frontage requirements as set forth in WMC 21.12 Development Standards - Density and Dimensions and Section 20.06.040 Lot Standards may be authorized for a subdivision developed in compliance with WMC 21.14 Development Standards - Design Requirements. Such authorization shall only occur where the applicant presents a plan whereby the entire subdivision will be designed and developed with provision for proper maintenance of recreation facilities and open space which will be commonly available for use of the residents of the subdivision and which will be of such benefit to said residents as is equal to that which would be derived from observance of the size and frontage requirements otherwise specified. The relation of said requirements shall not violate the purpose and criteria set forth in Sections 20.02.030 Purpose and 20.06.020 Review and Approval Criteria, respectively.

- (2) **Temporary Parcel:** Parcels smaller than permitted by the WMC may be temporarily created if they are subsequently merged in title with an adjacent parcel to create a lot that complies with the WMC.
- (3) **Eminent Domain:** Parcels smaller than otherwise permitted by the WMC may be created through the action of governmental agencies including the City of Woodinville by such actions as eminent domain and the splitting of a parcel by dedicated right-of-way. Wherever possible, such parcels shall be merged in title with adjacent lots to create lots in compliance with the WMC.
- (4) **Substandard Lots:** A lot of record created prior to the effective date of the WMC that does not meet the minimum area or dimensional requirements of the land use district in which located shall be considered a conforming lot of record if the following requirements are met: there must be no adjoining lots of record of continuous boundary in the same ownership to which the substandard lot can be merged in title or with which the lot lines can be adjusted to create lots of record which would comply with the WMC.
- (5) **Lots for Building Pads:** In industrial, business and multiple residential zones, lots with boundaries coterminous or nearly so with building walls may be created. The standards that normally would apply to such lots shall apply instead to the project tract of which such lots are a part.

20.06.055

Incentives for Flexible Lot Standards for Large Subdivisions

- (1) For the purpose of this section, large subdivisions shall be defined as the subdivision of a single parcel over five acres.
- (2) Large subdivisions that provide any of the following elements in a creative site design may be subject to the bonus incentives as defined in the right column.
- (3) Use of all incentives are subject to approval by the City of Woodinville Planning Director.

Creative Element	Allowed Incentive(s)
1. Rehabilitation, protection and integration of environmental features such as greenbelts, streams, wetlands, or steep slopes beyond the requirements of WMC 21.24.	Bonus density of 1 unit for every acre of feature or 200 linear feet of feature.
2. Innovative blending of open space areas with residential lots to increase amount of visual or actual access to open space per lot.	Reduction of up to 50 percent of one required setback per structure allotted additional access or Reduction of required internal street widths to 28 feet if on-street parking is required or 20 feet if not.
3. Providing connections to public transit in the form of transit stops, park & rides, or other transit related feature.	See WMC 21.34.040(6)(e).
4. Allowing for office/work space within homes. Work spaces must include separate entrances. (Pursuant to the City's home occupation and/or home industry permit requirements - see WMC 21.30.040 and .050.)	Bonus of 1 unit for every 5 offices provided.
5. Enhancement of views of the Sammamish Valley or Mount Rainier.	Reduction of setbacks as necessary to retain views, subject to the conditions in WMC 21.14.030.
6. Integration of recreation amenities in excess of the minimum open space requirements of WMC 21.14.180.	See WMC 21.34.040(6)(b).
7. Locating garages to the rear half of residential lots.	Elimination of rear setback requirements for garages accessed from rear alleyways or Reduction up to 50 percent of side setback requirement for garages located on the side.
8. Active or passive solar energy systems.	See WMC 21.34.040(6)(d).
9. Superior pedestrian-oriented design and access to amenities.	Reduction of required internal street widths to 28 feet if on-street parking is required or 20 feet if not.

20.06.060

Easements

- (1) Public easements for the construction and maintenance of utilities and public facilities shall be granted to provide and maintain adequate utility service to each lot and adjacent lands. The widths of the public easements shall be the minimum necessary as determined by the utility, unless the

Director determines a smaller or larger width is appropriate based on site conditions. Whenever possible, public easement shall be combined with driveways, pedestrian accessways and other utility easements.

- (2) Private easements for the construction and maintenance of utilities within the subdivision or short subdivision shall be granted so that individual lots gain access to public facilities. The widths of the private easements shall be the minimum necessary as determined by the utility, unless the Director determines a larger width is appropriate based on the site conditions.
- (3) When there is a need to use a stream for storm water control purposes, public improvement and maintenance easements at least 20 feet wide shall be provided for storm drainage. When possible, said easements shall be located along the centerlines of such facilities. Public improvement and maintenance easements for creeks and other watercourses shall be provided and shall extend 25 feet in each direction from the waterway centerline or ten feet from the top of a recognizable bank, whichever is greater. Such easements shall be of a width sufficient to allow both initial improvements and future maintenance operations. Larger widths may be required where necessary.
- (4) Native Growth and Protection Easements (NGPE) shall be granted as deemed appropriate by the Director where the preservation of native vegetation benefits the public health, safety and welfare, including control of surface water and erosion, maintenance or slope stability, visual and aural buffering, and protection of plant and animal habitat. The NGPE shall impose upon all present and future owners and occupiers of land subject to the easement the obligation, enforceable on behalf of the public by the City of Woodinville, to leave undisturbed all trees and other vegetation within the easement, except that are required for future construction of multi-purpose trails and Director-approved utilities. The vegetation within the easement may not be cut, pruned, covered by fill, removed, damaged or enhanced without express written permission from the City of Woodinville.

- (5) Easements for utility mains or lines shall be held to prohibit the placement of any building on or over the easement, but shall not preclude landscaping of an appropriate variety as determined by the City. The City encourages the use of an easement for more than one utility or vehicle and pedestrian access provided the Director finds the multi-use appropriate. Restoration shall be required of the site following any excavation or other disturbance permitted by the easement.
- (6) Easements required by this section shall be granted by the terms and conditions of such easements being shown on the final plat or short subdivision or by separate instrument.
- (7) Areas used as regional utility corridors shall be contained in tracts separate from the lots, but sharing of tracts among utilities encouraged.

20.06.070

Water Supply - All lots shall be served by a water system approved by the City of Woodinville and the Woodinville Water District or local purveyor. Any common water system serving more than one lot shall be provided by the applicant and dedicated to the appropriate water purveyor. Water distribution systems shall be designed and constructed according to all applicable provisions of the WMC, the standard and specifications of the water purveyor and the applicable rules and regulations of the State.

20.06.080

Sewage Disposal

- (1) All lots shall be served by the sanitary sewer system as approved by the City of Woodinville and the Woodinville Water District or local purveyor, or on-site sewage disposal system approved by the City of Woodinville and the King County Department of Public Health. Except for private side sewers, any common sanitary sewer system serving more than one lot shall be provided by the applicant and dedicated to the appropriate sanitary sewage disposal service purveyor. Such sewer systems shall be designed and constructed according to all applicable provisions of the WMC and the standards and specifications of the service purveyor.
- (2) Developments on lots less than one acre per unit must hook up to the municipal sewer system if the system is within 330 feet of a proposed development.

20.06.090

Storm Drainage

- (1) All lots shall be provided with adequate storm drainage connected to the storm drainage system of the City or other system approved by the City.
- (2) Where a public street is to be dedicated or improved by the applicant as a condition of preliminary approval, the applicant shall provide and dedicate any required storm drainage system in the street.
- (3) When appropriate, storm drainage facilities shall include suitable on-site detention and/or retention facilities.
- (4) Storm drainage shall be provided in accordance WMC Chapter 16.09 and standards and specifications approved by the City.
- (5) Easements shall be dedicated as provided in Section 20.06.060.

20.06.100

Watercourses - When required by the City, the developer of a subdivision shall enhance any major or minor watercourse which traverses or abuts the subdivision in accordance with the specifications and standards approved by the City. Any required watercourse easements shall be dedicated as provided in Section 20.06.060 Easements.

20.06.110

Underground Utilities - All permanent utility service to lots shall be provided from underground facilities as set forth in the WMC regulating underground wiring. The applicant shall be responsible for complying with the requirements of this section, and shall make all necessary arrangements with the utility companies and other persons or corporations affected by installation of such underground facilities in accordance with the rules and regulations of the Public Utility Commissioner of the State of Washington.

20.06.120

Water and Sewer Standards -

- (1) **Design Standards:** All City water and sewer facilities shall be designed in compliance with the "Design Requirements-Water and Sewer System Extensions" document available from the Department of Planning and Community Development or appropriate water and sewer purveyor.

- (2) Construction Standards: All City water and sewer facilities shall be constructed in compliance with the standard and specifications available from the Department of Planning and Community Development or appropriate water and sewer purveyor.

20.06.130

Street Standards

- (1) All street improvements, grades and design shall comply with standard regulations and specifications as set forth WMC Chapter 12.09.
- (2) When required by the City to mitigate anticipated impacts of a new subdivision or short plat, the developer shall incorporate features into the layout of the street circulation system to minimize cut-through traffic of the proposed development and/or surrounding neighborhoods.
- (3) This section does not apply to trails or pedestrian walkways not located in the public right-of-way.

20.06.140

Street Right-of-way and Pavement Widths -

- (1) The street right-of-way in or along the boundary of a subdivision shall conform to the provisions set forth in WMC Chapter 12.09.
- (2) When subdivision or an area within a subdivision is set aside for commercial or industrial uses, or where probable future conditions warrant, greater widths than those provided in subsection A, of this section, may be required.
- (3) Where topographical requirements necessitate either cuts or fills for the proper grading of the streets, additional right-of-way widths or slope easements may be required.

20.06.150

Street Lights - All subdivisions shall include underground electric service, light standards, wiring and lamps for street lights according to City adopted standards for underground wiring and the specifications and standard set forth in WMC Chapter 12.09. The subdivider shall install such facilities and make the necessary arrangements with the serving electric utility.

20.06.160

Monuments

- (1) Permanent survey control monuments shall be provided for all final plats and short plats at:
 - (a) All controlling corners on the boundaries of the subdivision or short subdivision;
 - (b) The intersection of centerlines of roads within the subdivision or short subdivision; and
 - (c) The beginning and ends of curves on centerlines or points of intersections on tangents.
 - (i) Permanent survey control monuments shall be the standard concrete monuments as required by King County or City approved equivalent. Permanent survey control monuments within a street shall be marked by a 2 inch diameter x 24 inch long galvanized iron pipe with a cap identifying the surveyor or survey company that placed the monument and shall be set after the street is paved. Every lot corner shall be marked by rebar at least 1/2 inch diameter x 24 inch long with a cap identifying the surveyor or survey company that placed the monument. Said pipe or City approved equivalent, shall be driven into the ground. If any land in a subdivision or short subdivision is contiguous to a meandered body of water, the meander line shall be re-established and shown on the final plat or short plat.

20.06.170

On-site Recreation and Trail Corridors - All subdivisions shall provide on-site recreation and trail corridors in compliance with applicable provisions of WMC 21.14 Development Standards - Design Requirements.

20.06.175

Tree Preservation, and Protection - All subdivisions and short subdivisions shall provide tree preservation and protection in accordance with WMC 21.16. A tree plan shall be part of the preliminary plat or short plat submittal requirements and approved prior to preliminary or short plat approval.

20.06.180

Public Accessways

- (1) When necessary for public convenience or safety, the developer shall improve and dedicate to the public accessways to connect to cul-de-sac streets, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths creating access to schools, parks, shopping centers transit stops, trails, or other community services.
- (2) The accessway shall be of such design, width and location a reasonably may be required to facilitate public use and shall comply with WMC 21.18.100 regulating walkways, sidewalks, and trails as well as any other specifications and standards of the City. Where possible, said dedications may also accommodate utility easements and facilities.

20.06.190

Clearing and Grading - All clearing and grading shall be conducted in compliance with the provisions set forth in the WMC applicable to clearing and grading. No clearing or grading shall occur prior to approval of tree preservation and protection measures.

20.06.200

Improvements, Completion or Guarantee - The applicant shall either complete the required improvements before the final plat or short subdivision is approved or the applicant shall financially guarantee installation of the same pursuant to the provisions set forth below in Sections 20.06.210 Improvements - Security for Performance and Warranty and 20.06.220 Improvements - Construction.

20.06.210

Improvements - Security for Performance and Warranty

- (1) In lieu of the completion of the actual construction of required improvements prior to approval of a final plat or short plat, the subdivider may file a performance bond or other suitable security in a form approved by the City Attorney and in an amount to be determined by the Director of Public Works sufficient to guarantee actual construction and installation of such improvements within three years of final plat or short plat approval. The amount of the security for completion shall not be less than one hundred twenty five percent of the Director of Public Works's estimate of the cost of such improvements, but Director of Public Service may set a higher percentage based upon the complexity of

the project. In addition, before acceptance by the City of the improvements, the subdivider shall file a warranty bond or other suitable security in a form approved by the City Attorney and in an amount to be determined by the Director of Public Works guaranteeing the repair or replacement of any improvement or any landscaping which proves defective or fails to survive within a minimum one year time period after final acceptance of the improvements or landscaping by the City. The City shall withhold acceptance of the improvements until any required security for completion and the required security for maintenance are filed.

(2) The City may enforce the bonds or other security required by this section according to their terms, pursuant to any and all legal and equitable remedies. In addition, any bond or other security filed pursuant to this section shall be subject to enforcement in the following manner:

(a) In the event the improvements are not completed as required, or warranty is not performed satisfactorily, the Director of Public Works shall notify the property owner and the guarantor in writing which shall set forth the specific defects which must be remedied or repaired and shall state a specific time by which such shall be completed.

(b) In the event repairs or warranty are not completed as specified in the notice referred to in subparagraph 1. of this section by the specified time, the City may proceed to repair the defect or perform the warranty by either force account, using City forces, or by private contractor. Upon completion of the repairs or maintenance, the cost thereof, plus interest at twelve percent per annum, shall be due and owing to the City from the owner and guarantor as a joint and several obligation. In the event the City is required to bring suit to enforce maintenance, the subdivider and guarantor shall be responsible for any costs and attorneys' fees incurred by the City as a result of the action.

In the event that the security is in the form of a cash deposit with the City, the City may deduct all costs set forth in this section from the cash on deposit and

the subdivider shall be required to replenish the same for the duration of the guaranty period.

20.06.220

Improvements-Construction - Construction of subdivision improvements prior to final plat or short plat approval or subsequent to final plat approval as a condition to meeting bond requirements shall proceed as follows:

- (1) Complete construction drawings, specifications and related material shall be submitted to the City for approval prior to the commencement of construction. The submitted drawings and specifications shall be designed and certified by a registered civil engineer. Construction drawings shall be in conformance with the conditions, if any, of preliminary plat or short plat approval and applicable City standard.
- (2) Construction of improvements shall not be initiated without authorization of the Director of Public Works. The Director of Public Works shall authorize the subdivider to proceed with construction after approval of the construction drawings and specifications by the appropriate City department. The Director of Public Works may grant approval on condition additions or changes are made in the drawings or specifications, or on the inclusion or implementation of mitigating measures necessary to minimize the impacts of the construction on the environment. Conditions required to minimize environmental impacts shall conform with the requirements of WMC regarding environmental impact procedures.
- (3) Any changes to the construction drawings or specifications involving design of the improvements shall first be reviewed and approved by the Director of Public Works and the appropriate City department.
- (4) City approved tree protection measures shall be installed and inspected prior to beginning any construction activities. Damage to any preserved tree shall result in replacement pursuant to WMC 21.16.130 and 170 of the damaged tree to equal the number of tree credits lost as a result of the damage. After construction activities are completed, the applicant shall provide an inspection report prepared by a certified arborist of the condition of the preserved trees.

- (54) Construction of the improvements shall proceed as shown in the construction drawings and specifications. Construction inspection shall proceed under the supervision of a registered civil engineer. The Director of Public Works or his designee shall inspect construction progress on a regular basis to review compliance with construction plans and required standard.
- (65) After the completion of construction in accordance with the approved plans and specifications, "as-built" drawings showing the improvements as constructed shall be certified as true and complete by a registered civil engineer. The certified "as-built" drawings on reproducible mylar shall be submitted to the City. When a final plat is involved, the certified "as-built" drawings are required to be submitted prior to the acceptance of the subdivision improvements by the City Council.

20.06.230

Survey Required - The survey of every proposed subdivision or short subdivision shall be made by or under the supervision of a registered land surveyor. All surveys shall conform to standard practices and principles for land surveying as set forth in the laws of the State of Washington and the submittal requirements checklist as developed by the director. Subdivision control and staking traverses shall close within an error of one foot in five thousand feet for residential and subdivision lots, and one foot in ten thousand feet for commercial and industrial development. Primary survey control points shall be referenced to section corners and monuments.

21.16.050 Landscaping – street frontages. Perimeter landscaping along street frontages shall be provided as follows:

- (1) A ten-foot width of Type II landscaping shall be provided for an institutional use, excluding playgrounds and playfields;
- (2) A ten-foot width of Type II landscaping shall be provided for an industrial development, except a twenty five (25) foot width of Type II landscaping shall be provided for development on I zoned property abutting SR 202 or Woodinville-Snohomish Highway.
- (3) A ten foot width of Type II landscaping shall be provided for an above ground sub-regional utility development located outside a public right-of-way;
- (4) A ten foot width of Type III landscaping shall be provided for a commercial or attached/group residence development, except the ten (10) foot width of Type III landscape may not be required pursuant to City of Woodinville Design Principles; and
- (5) For single detached subdivisions:
 - (a) Trees shall be planted at the rate of one (1) tree for every:
 - (i) Fifty (50) feet of frontage along a neighborhood collector street; and
 - (ii) Forty (40) feet of frontage along an arterial street.
 - (b) The trees shall be:
 - (i) Located within the street right-of-way if permitted by the custodial state or local agency;
 - (ii) No more than twenty (20) feet from the street right-of-way line when located within a lot;
 - (iii) Maintained by the adjacent landowner unless part of a City maintenance program; and
 - (iv) A species approved by the City's City Tree Official in accordance with the Tree Board approved Required Tree Species List.
 - (c) The trees may be spaced at irregular intervals in order to accommodate sight distance requirements for driveways and intersections.
- (6) For developments in the Tourist District, see WMC 21.38.065.
- (7) Street trees shall be required in all development fronting a public street as determined by the City's Tree Board. Street tree species shall be approved by the City Tree Official in accordance with the Tree Board approved Required Tree Species List- or by the City's adopted street tree plan if applicable.
- (8) For development in the GB Zone, see the Design Guidelines for the General Business Zone.

21.16.075 Landscaping – adjacent to public trails and other public used lands.

- (1) All commercial, office, industrial, institutional, and multifamily developments adjacent to publicly used trails and other public lands

shall provide landscaping adjacent to and along the building façade that faces the trail or land at the rate of at least one (1) tree per fifty (50) feet of façade. Exceptions may be made for those developments meeting Section IV.F of the City's Design Principles.

- (2) All development shall provide, at a minimum depending upon the intensity of use to be screened, Type III landscape screening from public areas, etc., to reduce off-site visual impacts. The applicant shall propose the Type of landscaping to be provided for approval by the City Tree Official.

21.16.090 Landscaping - general requirements. Landscape designs shall conform to the following provisions:

- (1) New landscaping materials shall include species native to the coastal region of the Pacific Northwest or non-invasive naturalized species that have adapted to the climatic conditions of the coastal region of the Pacific Northwest in the following amounts:
 - (a) Seventy-five (75) percent of groundcover and shrubs, and
 - (b) Fifty (50) percent of trees;
- (2) At least sixty (60) percent of new landscaping materials shall consist of drought-tolerant species, except where site conditions within the required landscape areas assure adequate moisture for growth;
- (3) Existing vegetation may be used to augment new plantings to meet the standards of this chapter;
- (4) Broadleaf trees shall have a caliper of at least 1.75 inches at the time of planting. The caliper may be averaged, but no individual tree shall have a caliper of less than 1.5 inches;
- (5) Evergreen trees shall be at least six (6) feet in height measured from treetop to the ground at the time of planting;
- (6) When the width of any landscape strip is twenty (20) feet or greater, the required trees shall be staggered in two (2) or more rows;
- (7) Shrubs shall be :
 - (a) Two (2) gallon size, and minimum eighteen (18) inches in height, at time of planting in Type II, III and IV landscaping,
 - (b) At least twenty four (24) inches in height at the time of planting for Type I landscaping, and
 - (c) Maintained at a height not exceeding four (4) feet when located in Type III or IV landscaping;
- (8) Ground covers shall be planted and spaced to result in total coverage of the required landscape area within three (3) years as follows:
 - (a) Four (4) inch pots at eighteen (18) inches on center, or
 - (b) One (1) gallon or greater sized containers at twenty four (24) inches on center;
- (9) Grass may be used as ground cover in landscape areas provided that the grass area:
 - (a) Constitutes no more than thirty (30) percent of Type I and II landscape areas; and

- (b) Is at least five (5) feet wide at the smallest dimension;
- (10) Grass and ground cover areas shall contain at least two (2) inches of composted organic material at finish grade;
- (11) All fences shall be placed on the inward side of any required perimeter landscaping;
- (12) Berms shall not exceed a slope of three (3) horizontal feet to one (1) vertical foot (3:1) for lawns and shall not exceed a slope of two (2) horizontal feet to one vertical foot (2:1) for other plant materials;
- (13) Existing soils shall be augmented with a two (2) inch layer of fully composted organic material rototilled a minimum of six (6) inches deep;
- (14) Landscape areas shall be covered with at least two (2) inches of mulch to minimize evaporation. Mulch shall consist of materials such as yard waste, sawdust and/or manure that is fully composted;
- (15) Drought-tolerant and nondrought-tolerant species shall be grouped separately and be served by separate irrigation systems;
- (16) Required street landscaping may be placed within City of Woodinville street rights-of-way subject to the City's street design standards with the permission of the Public Works Director, provided adequate space is maintained along the street line on site to replace the required landscaping should subsequent street improvements require the removal of landscaping within the rights-of-way.
- (17) Species and plantings shall be consistent with the Tree Board approved Required Tree Species List and Required Plant Species List. ~~recommendations of the City's Tree Board.~~
- (18) A tree or plant professional shall be on-site during any site work affecting preserved trees.

21.16.125 Tree preservation exemptions.

- (1) Additions, alterations, or site work related to an existing single family home are exempt from tree preservation requirements except as stated in WMC 21.16.130(5).
- (2) Tree removal to construct a single family residence on an existing single family lot is exempt from the preservation requirements, except that they are strongly encouraged.

21.16.130 Tree preservation requirements~~Significant trees—retention required.~~

- (1) Preservation of significant trees shall be given priority when developing site designs and layouts for development. Preservation is preferred over replanting. Minimum tree-credits shall be required in the buildable area of each site. The buildable area shall exclude on-site public rights-of-way and private streets, and sensitive areas and their buffers. The tree density may consist of existing trees and/or replacement trees in accordance with WMC 21.16.170. The trees to be preserved on each site shall be determined prior to approval of a tree replacement plan by the City Tree Official. 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) (a) The minimum tree-credits factor required for each site is 25 tree-credits per acre. Calculation of tree-credits to be preserved shall be in accordance with the following table. Tree-credits are assigned according to the diameter-at-breast-height of preserved trees as defined in WMC 21.06.166. When a tree's diameter-at-breast-height has been determined, locate that number in the column marked diameter-at-breast-height. The tree-credits are located to the left of the diameter-at-breast-height column. The number of tree-credits must equal 30 except as provided in WMC 21.16.170. A variety of species is encouraged when preserving trees.

(i) Table 1 - Preserved Tree-Credit Table

Conversion from diameter-at-breast-height to tree-credits for trees protected on-site:

<u>Diameter-at-breast-height (in inches)</u>	<u>Credits</u>	<u>Diameter-at-breast-height (in inches)</u>	<u>Credits</u>	<u>Diameter-at-breast-height (in inches)</u>	<u>Credits</u>
<u>1-4</u>	<u>.1</u>	<u>22</u>	<u>2.6</u>	<u>37</u>	<u>7.5</u>
<u>5-7</u>	<u>.3</u>	<u>23</u>	<u>2.9</u>	<u>38</u>	<u>7.9</u>
<u>8-9</u>	<u>.5</u>	<u>24</u>	<u>3.1</u>	<u>39</u>	<u>8.3</u>
<u>10</u>	<u>.6</u>	<u>25</u>	<u>3.4</u>	<u>40</u>	<u>8.7</u>
<u>11</u>	<u>.7</u>	<u>26</u>	<u>3.7</u>	<u>41</u>	<u>9.2</u>
<u>12</u>	<u>.8</u>	<u>27</u>	<u>4.0</u>	<u>42</u>	<u>9.6</u>
<u>13</u>	<u>.9</u>	<u>28</u>	<u>4.3</u>	<u>43</u>	<u>10.1</u>
<u>14</u>	<u>1.1</u>	<u>29</u>	<u>4.6</u>	<u>44</u>	<u>10.6</u>
<u>15</u>	<u>1.2</u>	<u>30</u>	<u>4.9</u>	<u>45</u>	<u>11.0</u>
<u>16</u>	<u>1.4</u>	<u>31</u>	<u>5.2</u>	<u>46</u>	<u>12.6</u>
<u>17</u>	<u>1.6</u>	<u>32</u>	<u>5.6</u>	<u>47</u>	<u>12.0</u>
<u>18</u>	<u>1.8</u>	<u>33</u>	<u>5.9</u>	<u>48</u>	<u>12.6</u>
<u>19</u>	<u>2.0</u>	<u>34</u>	<u>6.3</u>	<u>49</u>	<u>13.1</u>
<u>20</u>	<u>2.2</u>	<u>35</u>	<u>6.7</u>	<u>50</u>	<u>13.6</u>
<u>21</u>	<u>2.24</u>	<u>36</u>	<u>7.1</u>		

(ba) All significant trees located within any required perimeter landscaping area shall be retained/preserved and credited towards the required number of tree-credits;

(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;~~
- (~~c~~) ~~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; -~~
An adequate buffer of smaller trees shall be preserved or replaced on the fringe of trees that were previously located in a closed, forested situation to mitigate wind impacts.
- (~~d~~e) ~~A grouping of three (3) or more existing trees with canopies that touch or overlap, may be given one (1) tree-credit substituted for each required significant tree, provided each tree has a diameter at breast height of at least three (3) inches when measured four (4) feet above grade;~~
- (~~e~~) A Heritage Tree shall be credited at twice the diameter-at-breast-height for tree-credit calculation. An applicant may receive credit if a tree is nominated and receives recognition for a Heritage Tree on-site prior to final approval of the tree preservation plan.
- (~~f~~) ~~Except as provided in subsection (g), significant trees to be preserved~~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.~~
- (iii) At risk of damage due to the proximity of the constructed project, as determined by a certified arborist.
- (~~g~~) ~~At the discretion of the Planning Director~~City Tree Official, damaged or diseased or standing dead trees may be preserved~~retained and counted~~credited toward the significant tree preservation requirement if demonstrated that such trees will provide important wildlife habitat and are not classified as a danger tree. Danger trees may be felled to prevent hazardous conditions and must not be removed.
- (~~h~~) Additional tree preservation may be required when a project is located on or within 50 feet of steep sloped areas as determined by the City Tree Official. Type III landscaping is required for any perimeter area of a project that is exposed on the slope where there is direct visual impact from other areas of the City.
- (~~i~~) It shall be the responsibility of the applicant to pay for the services of the required~~certified~~ arborist.

- (j) A development will receive an additional 5 tree-credits for upgrading an entire required landscape area from Type III to Type II and from Type II to Type I on site.
- (2) If the applicant's site design and layout fails to ~~preserve~~retain the required ~~number~~percentage of ~~significant-trees~~ credits as set forth in WMC Section 21.16.130(1), the ~~Planning Director~~City Tree Official shall require the site design and layout to be redesigned to preserve the required ~~percentage of tree-credits~~. Such redesign can include, but is not limited to, streets, sidewalks, stormwater facilities, utilities, parking lots, site grading, ~~and buildings, and other man-made structures or facilities.~~
- (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 by an increase in development costs of 25 percent or more in development costs;~~
- (b) The redesign of the site cannot be achieved without threatening the viability of the ~~preserved~~retained trees, as determined by a certified arborist; or
- (c) No alternate ~~feasible~~ way to redesign the site design and layout exists without violating city regulations or ordinances.
- (4) Existing tree corridors adjacent to other tree corridors shall be preserved unless the development qualifies for an exemption under subsection 3.
- (45) 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~~nine (9) tree-credits per twelve-month period or ~~five (5) significant~~nine (9) tree-credits, according to the tree-credits schedule of WMC 21.16.170, per acre per twelve-month period, except in sensitive areas as provided by WMC 21.24.
- (b) Removal of more than ~~five (5) significant~~nine (9) tree-credits per twelve-month period or ~~five (5) significant~~nine (9) tree-credits 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 preservation~~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 trees may activate other permitting requirements and/or regulations of other local, state, and/or federal regulation authorities 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 nine (9) tree credits per twelve-month period or five ~~(5)~~ significant nine (9) tree credits per acre per twelve-month period are removed without a land surface modification permit, a daily civil penalty for each tree shall apply as set forth in WMC Section 1.03 and 1.06 ~~15.03.100~~. Immediate replacement as set forth in WMC 21.16.170 will be required.

- 21.16.140** ~~Significant trees~~ Tree preservation retention plan. The applicant shall submit a tree ~~preservation retention~~ plan concurrent with a land surface modification permit ~~grading 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~~ City Tree Official shall make a site visit to confirm the presence of significant trees. The tree ~~preservation retention~~ plan shall consist of:
- (1) A tree survey that identifies the location, size, and species of all ~~significant trees~~ or grouping of 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 shall show:
 - (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 in diameter for the purpose of establishing wildlife habitat value;
 - (2) A development plan identifying the ~~significant trees~~ that are proposed to be preserved retained, transplanted, or restored.
 - (3) The preservation plan shall be developed to include maintenance considerations.
 - (~~3~~4) A report by certified arborist to include, as a minimum, the following:
 - (a) Plan review and impact assessment of tree removal and preservation with the proposed development;
 - (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.

21.16.150 Significant trees—~~incentives for tree preservation retention.~~

- (1) Each ~~significant tree~~ that is not located in the area for perimeter landscaping and is ~~retained~~ may be credited ~~preserved~~ may receive as ~~two~~ three tree-credits for complying with the retention requirements of WMC 21.16.130, provided it meets one or more of the following criteria:
- (a) 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;
 - (b) The tree is located in a grouping of at least five (5) trees with canopies that touch or overlap;
 - (c) The tree provides energy savings through winter wind protection or summer shading as a result of its location relative to buildings;
 - (d) The tree belongs to a unique or unusual species as determined by the City Tree Official;
 - (e) The tree is located within twenty-five (25) feet of any sensitive area or required sensitive area buffers; ~~and~~
 - (f) The tree is eighteen (18) inches or greater in diameter ~~at breast-height~~ and is identified as providing valuable wildlife habitat as determined by the City Tree Official; and-
 - (g) Trees that are used in a unique way to shield utilities and contribute to an increase in efficiency of such functions as storm water run-off and car exhaust buffering. A study prepared by a qualified professional shall be submitted by the applicant and reviewed by the City Tree Official that verifies the increase in efficiency;
- (2). The following incentives are provided to encourage more tree preservation. The same trees may not be used to receive more than one of the following incentives:
- (a) A reduction in setback requirements to not less than two (2) feet may be administratively granted for developments that increase the number of tree-credits preserved on-site by one and one-half times (1-1/2). A request for using the incentive shall be submitted by the applicant prior to issuance of any permits for the new development. The City Tree Official shall review the request for final decision. The setback reduction shall not violate any other codes or restrictions that govern development. The applicant shall demonstrate to the City Official that the site is laid out in such a manner as to adequately provide for the health and sustainability of trees and landscaped areas and are not affected by the development.
 - (b) (One) 1 residential unit bonus, not to exceed the maximum density of WMC 21.12.030 and 21.12.040, shall be given for a residential project that exceeds the required number of tree-credits by one and one-half (1-1/2) times. The applicant must demonstrate to the City

Tree Official that the site is laid out in such a manner as to adequately provide for the health and sustainability of the trees and landscaped areas and is not affected by the development; or

- (c) A 50 percent reduction in Consultant Fees, not to exceed \$1,000 for landscape review shall be given to those projects that exceed the required number of tree-credits by 4 times.

21.16.160 Significant trees—Tree protection. The City of Woodinville Tree Care Standard Manual protection measures shall be implemented and followed prior to and during every part of a project. To provide the best protection for significant-trees:

- (1) No clearing shall be allowed on a site until approval of tree preservation~~retention~~ and landscape plans;
- (2) An area of prohibited disturbance, generally corresponding to the drip line of the significant tree shall be identified during the construction stage and a temporary five (5) foot high chain-link ~~or plastic net~~ fence shall be placed prior to any clearing and grading;
- (3) No impervious surfaces, fill, excavation, or storage of construction materials shall be permitted within the area defined by such fencing or stakes;
- (4) A tree designated for preservation shall not have the soil grade altered within its dripline or within fifteen (15) feet of its trunk whichever is greater. The grade may be lowered if a certified arborist with the concurrence of the City Tree Official determines the impact of lowering the grade within the area described in this subsection will not adversely affect the health of the tree;
- (5) Trees shall not be designated for preservation if they are dead or in a declining state or if they are a danger tree except as provided for in WMC 21.16.130(2)(g).
- ~~(4) If the grade is proposed to be raised more than six (6) inches or if impervious surfaces are proposed to be installed within the dripline of the tree, a certified arborist shall assess the impact on trees affected as part of plan review and impact assessment. If the certified arborist determines the impact is too severe, the certified arborist shall recommend mitigation measures including assistance in designing an aeration system to be incorporated in the site development plans where such a system is appropriate as determined by the arborist. If the certified arborist determines there are no feasible mitigation measures that can reduce impacts to an acceptable level, the plan shall be modified or the tree removed;~~
- (5) ~~Except as provided herein, the grade level shall not be lowered within the larger of the two areas defined as follows:~~
 - ~~(a) The drip-line of the tree(c); or~~
 - ~~(b) An area around the tree equal to one foot diameter for each inch of tree trunk diameter measured four feet above the ground;~~

~~The grade may be lowered if a certified arborist determines the impact of lowering the grade within the area described in this subsection will not adversely affect the health of the tree;~~

- (6) Grade level changes described in Subsections (4) and (5), above shall be done according to a plan prepared by a certified arborist that includes measures to be incorporated to reduce adverse impacts on significant trees protected; and
- (7) Alternative protection methods may be used if determined by the ~~Planning Director~~ City Tree Official to provide equal or greater tree protection.

21.16.170 Significant trees—Tree replacement.

- (1) If existing trees are inappropriate or inadequate to meet the minimum of 30 tree-credits per acre, a sufficient number of replacement trees shall be planted to meet the minimum requirement. To determine the total number of replacement trees required, refer to Table 2 located in subsection (4) of this section.
 - (a) Replacement trees are measured differently than preserved trees. Instead of measuring diameter-at-breast-height as in preserved trees, replacement trees shall be measured by caliper inches. Caliper on replacement trees shall be measured 6 inches above the ground line for 4-inch and smaller trees and 12 inches above the ground line for larger replacement trees.
 - (b) Refer to Table 2 and select the tree-credit value which corresponds with the caliper for each replacement tree. Example: A 2-inch caliper tree has a credit value of 0.5.
 - (c) Add up the tree-credit values for all replacement trees to determine how many trees will be required to achieve the minimum site tree-credits. Example: If there are no trees, or the trees are not appropriate for protection on a 1 acre site and the selected replacement trees were 2-inch caliper, then replacement trees must be planted.
- (2) Replacement Tree Quality. Replacement trees shall be State Department of Agriculture Nursery Grade No. 1 or better and verified by the project proponent prior to planting. Replacement trees must be properly staked fertilized and mulched in accordance with the Tree Care Standards Manual.
- (3) Replacement Tree Location.
 - (a) City Tree Official Approval Required. The applicant's proposed location of transplanted or replacement trees shall be subject to City Tree Official approval as part of the tree replacement plan.
 - (b) Location on Site. To the extent feasible and desirable, trees shall be relocated or replaced on site.

- (c) Relocation or Replacement off Site. Where it is not feasible to relocate or replace trees on site, relocation or replacement may be made at another City Tree Official approved location in the City.
- (d) City Tree Fund. Where it is not feasible to relocate or replace trees on site or at another City Tree Official approved location in the City, the Applicant shall pay into the City Tree Fund an amount of money approximating the current market value of the replacement trees that would otherwise be required. The City shall use the City Tree Fund for the purpose of acquiring, maintaining, and preserving wooded areas, and for planting and maintaining trees within the City.

(4) Table 2 - Replacement Trees

Conversion from caliper to tree-credits for replacement trees:

<u>Inches (Caliper)</u>	<u>Credits</u>	<u>Inches (Caliper)</u>	<u>Credits</u>
<u>1</u>	<u>.4</u>	<u>8</u>	<u>1.3</u>
<u>2</u>	<u>.5</u>	<u>9</u>	<u>1.5</u>
<u>3</u>	<u>.6</u>	<u>10</u>	<u>1.7</u>
<u>4</u>	<u>.7</u>	<u>11</u>	<u>1.9</u>
<u>5</u>	<u>.9</u>	<u>12</u>	<u>2.1</u>
<u>6</u>	<u>1.0</u>	<u>13</u>	<u>2.3</u>
<u>7</u>	<u>1.2</u>	<u>14</u>	<u>2.5</u>

~~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.~~

21.16.180 Maintenance.

- (1) All landscaping and significant trees shall be maintained for the life of the project;
- (2) All landscape materials and significant trees shall be pruned and trimmed as necessary to maintain a healthy growing condition or to prevent primary limb failure;
- (3) With the exception of dead, diseased or damaged trees specifically retained to provide wildlife habitat; other dead, diseased, damaged or

stolen plantings shall be replaced within three months or during the next planting season if the loss does not occur in a planting season; and

(4) Landscape areas shall be kept free of trash.

(5) Proper tree and plant protection shall be considered as a part of the overall site landscaping maintenance methods used.

21.16.190 Bonds/security. Performance bonds or other appropriate security (including letters of credit and set aside letters) shall be required for a period of ~~two~~ Three(23) years after the planting or transplanting of vegetation to insure proper installation, establishment and maintenance.

21.16.200 Penalties. In accordance with enforcement regulations WMC 1.06, any person violating these regulations shall be subject to civil penalty procedures and fines. Each tree removed or damaged shall be considered a separate violation.

