

ORDINANCE NO. 335

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, AMENDING VARIOUS SECTIONS IN CHAPTERS 21.06 AND 21.16 OF THE WOODINVILLE MUNICIPAL CODE (WMC) INCLUDING THE DEFINITION OF TREE AND/OR PLANT INDUSTRY PROFESSIONAL, MODIFYING REQUIREMENTS FOR TREE WORK PERFORMED BY UTILITY PURVEYORS, ADDING CLARIFYING LANGUAGE TO OTHER LANDSCAPING AND TREE PRESERVATION REGULATIONS; AND ADDING THE MAINTENANCE REQUIREMENT OF RIGHT-OF-WAY LANDSCAPING BY THE ABUTTING PROPERTY OWNER WMC SECTION 21.16.180(6), AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City completed an application for a Zoning Code Amendment on May 23, 2002;

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 September 30, 2002, consistent with RCW 43.21C;

WHEREAS, the Planning Commission held a public hearing on the proposed Zoning Code Amendment on November 20, 2002, and recommended approval with amendments to 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, DOES ORDAIN AS FOLLOWS:

Section 1. Section WMC 21.06 is hereby amended to include new sections WMC 21.06.679 to read as follows:

21.06.101 Tree and/or Plant Industry Professional. Tree and/or plant industry professional; an individual who has professional experience in the tree and/or plant industry including, but not limited to, arboriculture,

landscaping, horticulture, urban forestry or similar industries as also defined in Woodinville Municipal Code 2.24.010(12).

Section 2. Amendments to Woodinville Municipal Code Chapter 21.16.

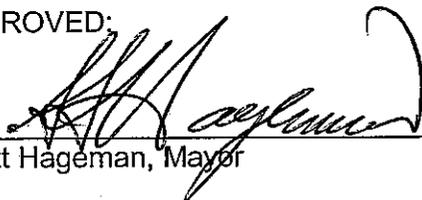
The City of Woodinville hereby adopts amendments to Chapter 21.16 Development Standards Tree Retention and Landscaping as presented in Exhibit 1, which is incorporated by reference as if set forth in full. New text is shown by underline; deleted text is shown by ~~strikethrough~~.

Section 3. 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 4. 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 10th day of February, 2003.

APPROVED:



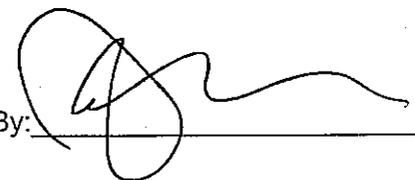
Scott Hageman, Mayor

ATTEST / AUTHENTICATED:



Sandra Parker/CMC
City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: 

PASSED BY THE CITY COUNCIL: 2-10-2003
PUBLISHED: 2-17-2003
EFFECTIVE DATE: 2-22-2003
ORDINANCE NO. 335

**CHAPTER 21.16 DEVELOPMENT STANDARDS
TREE RETENTION AND LANDSCAPING**

SECTIONS:

- 21.16.010 **Purpose.**
- 21.16.020 **Application.**
- 21.16.030 **Land use grouping.**
- 21.16.040 **Landscaping - types and description.**
- 21.16.050 **Landscaping - street frontage.**
- 21.16.060 **Landscaping - interior lot lines.**
- 21.16.070 **Landscaping - surface parking areas.**
- 21.16.075 **Landscaping - adjacent to public trails.**
- 21.16.080 **Landscaping - adjacent to freeway rights-of-way.**
- 21.16.085 **Landscaping - utility corridors.**
- 21.16.090 **Landscaping - general requirements.**
- 21.16.100 **Landscaping - alternative options.**
- 21.16.110 **Landscaping - irrigation.**
- 21.16.120 **Landscaping - installation.**
- 21.16.130 **Significant trees - retention required.**
- 21.16.140 **Significant trees - retention plan.**
- 21.16.150 **Significant trees - incentives for retention.**
- 21.16.160 **Significant trees - protection.**
- 21.16.170 **Significant trees - replacement.**
- 21.16.180 **Maintenance.**
- 21.16.190 **Bonds/security.**
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- 21.16.010 **Purpose.** The purpose of this chapter is to preserve the aesthetic character of communities; to improve the aesthetic quality of the built environment; to promote retention and protection of existing vegetation; to reduce the impacts of development on drainage systems and natural habitats; and to increase privacy for residential zones by:
- (1) Providing visual relief from large expanses of parking areas and reduction of perceived building scale;
 - (2) Providing physical separation between residential and non-residential areas;
 - (3) Providing visual screens and barriers as a transition between differing land uses;
 - (4) Retaining existing vegetation and significant trees by incorporating them into the site design when possible; and
 - (5) Providing increased areas of permeable surfaces to allow for:
 - (a) Infiltration of surface water into groundwater resources;
 - (b) Reduction in the quantity of storm water discharge; and
 - (c) Improvement in the quality of storm water discharge.

21.16.020 Application.

Except for communication facilities regulated pursuant to ~~Chapter WMC 21.26~~ ~~WMC~~, all new development listed in WMC 21.16.030 shall be subject to the landscaping and significant tree retention provisions of this chapter; provided, that specific landscaping and tree retention provisions for uses established through a conditional use permit or a special use permit shall be determined during the applicable review process, and provided further that new development on pre-existing lots shall be subject to the tree preservation incentives in WMC 21.16.128 in lieu of the regulations located in WMC 21.16.130 through 21.16.170. For the purposes of this chapter, a new development involves a new occupancy or tenant improvement that exceeds 25 percent of the assessed value of the structure before the improvement or before any damage occurred, if the structure has been damaged and is being repaired.

21.16.030 Land use grouping. In order to facilitate the application of this chapter, the land uses of WMC 21.08 have been grouped in the following manner.

- (1) Residential development shall refer to those uses listed in WMC 21.08.030, except those uses listed under Accessory uses, provided:
 - (a) Attached/group residences shall refer to:
 - (i) Townhomes;
 - (ii) Apartments;
 - (iii) Senior citizen assisted;
 - (iv) Temporary lodging; and
 - (v) Group residences (Community Residential Facilities); and
 - (vi) Mobile home parks.
 - (b) Single detached development shall refer to residential subdivisions.
- (2) Commercial development shall refer to those uses in:
 - (a) WMC 21.08.040 as park/recreation and amusement/entertainment uses;
 - (b) WMC 21.08.050 except health and educational services;
 - (c) WMC 21.08.060 as general business services, professional offices, and commercial accessory uses; and
 - (d) WMC 21.08.070
- (3) Industrial development shall refer to those listed in:
 - (a) WMC 21.08.050; except health and education services;
 - (b) WMC 21.08.060; except general business services, professional offices, and commercial accessory uses;
 - (c) WMC 21.08.080; and
 - (d) WMC 21.08.090 as mineral extraction and processing.
- (4) Institutional development shall refer to those uses listed in:
 - (a) WMC 21.08.040 as cultural uses, except arboretums;
 - (b) WMC 21.08.050 as health services, and education services except specialized instruction schools permitted as an accessory use;
 - (c) WMC 21.08.055; and

- (d) WMC 21.08.100.
- (5) Utility development shall refer to those listed in WMC 21.08.060 as subregional utilities.
- (6) Uses contained in WMC 21.08 that are not listed in subsections (1) through (5) of this section shall not be subject to landscaping and tree retention except as specified in any applicable review of a conditional use or special use permit.

21.16.040 Landscaping - types and description. The four types of landscaping are described and applied as follows:

- (1) Type I landscaping:
- (a) Type I landscaping is a "full screen" that functions as a visual barrier. This landscaping is typically found adjacent to freeways and between residential and non-residential areas.
- (b) Type I landscaping shall consist of:
- (i) A mix of primarily evergreen trees and shrubs placed to form a continuous screen;
- (ii) At least seventy (70) percent evergreen trees;
- (iii) Evergreen trees spaced no more than fifteen (15) feet on center;
- (iv) Broadleaf trees spaced no more than twenty (20) feet on center;
- (v) Evergreen shrubs spaced no more than four (4) feet apart; and
- (vi) Ground cover pursuant to WMC 21.16.090;
- (2) Type II landscaping:
- (a) Type II landscaping is a "filtered screen" that functions as a visual separator. This landscaping is typically found between commercial and industrial uses; between differing types of residential development; and to screen industrial uses from the street;
- (b) Type II landscaping shall consist of:
- (i) A mix of evergreen and broadleaf trees and shrubs spaced to create a filtered screen;
- (ii) At least fifty (50) percent broadleaf trees and at least thirty (30) percent evergreen trees;
- (iii) Evergreen trees spaced no more than fifteen (15) feet on center;
- (iv) Broadleaf trees spaced no more than twenty (20) feet on center;
- (v) Shrubs spaced no more than five feet apart; and
- (vi) Ground cover pursuant to WMC 21.16.090;
- (3) Type III landscaping:
- (a) Type III landscaping is a "see-through buffer" that functions as a partial visual separator to soften the appearance of parking areas and building elevations. This landscaping is typically found along street frontage or between apartment developments;
- (b) Type III landscaping shall consist of:
- (i) A mix of evergreen and/or broadleaf trees spaced to create a continuous canopy;
- (ii) At least seventy (70) percent broadleaf trees;

- (iii) Trees spaced no more than twenty-five (25) feet on center;
 - (iv) Shrubs, that do not exceed a height of four (4) feet, spaced no more than four (4) feet apart; and
 - (v) Ground cover pursuant to WMC 21.16.090;
- (4) Type IV landscaping:
- (a) Type IV landscaping is "parking area landscaping" that provides shade and visual relief while maintaining clear sight lines within parking areas;
 - (b) Type IV landscaping shall consist of:
 - (i) Canopy-type broadleaf or evergreen trees, evergreen shrubs and ground covers planted in islands or strips;
 - (ii) Shrubs that do not exceed a height of four (4) feet;
 - (iii) Plantings contained in planting islands or strips having an area of at least seventy-five (75) square feet and with a narrow dimension of no less than four (4) feet;
 - (iv) Ground cover pursuant to WMC 21.16.090; and
 - (v) At least ninety (90) percent of the trees shall be broadleaf.

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

- (1) A ten (10)-foot width of Type II landscaping shall be provided for an institutional use, excluding playgrounds and playfields;
- (2) A ten (10)-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 (10)-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 (10)-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 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 .
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.

21.16.060 Landscaping - interior lot lines. Perimeter landscaping along interior lot lines shall be provided as follows:

- (1) Type I landscaping shall be included in a commercial, office, or industrial development as follows:
 - (a) A twenty (20) foot width abutting residentially developed property or undeveloped residentially zoned property;
 - (b) A ten (10) foot width abutting property developed public recreational; or
 - (c) A ten (10) foot width abutting property designated as permanent open space.
- (2) A twenty (20) foot width of Type II landscaping shall be included in an attached/group residence development along any portions of the development adjacent to a single-family detached residential development. Along portions of the development adjacent to another attached/group residence development or any non-residential use the requirement shall be a ten (10) foot width of Type II landscaping;
- (3) A ten (10) foot width of Type II landscaping shall be included in an industrial development along any portion adjacent to a commercial or institutional development; and
- (4) A ten (10) foot width of Type II landscaping shall be included in an institutional use, excluding of playgrounds and playfields, or an above-ground subregional utility development, excluding distribution or transmission corridors, when located outside a public right-of-way. If the institutional use abuts a residentially zoned or developed property, a twenty (20) foot width of Type II landscaping is required along lines abutting the property. If the institutional use abuts an agriculturally zoned parcel, a fifty (50) foot width of Type II landscaping is required along property lines abutting the parcel.
- (5) For developments in the Tourist District, see WMC 21.38.065.
- (6) For commercial and industrial developments, storm water retention facilities may be located in interior lot-line landscaping areas, provided that landscaping requirements are still met and the location is approved by the Planning Director.
- (7) For developments in the GB Zone, see the Design Guidelines for the General Business Zone.

21.16.070 Landscaping - surface parking areas. Type IV landscaping shall be provided within surface parking areas with ten or more parking stalls as follows:

- (1) Residential developments with common parking areas shall provide planting areas at the rate of twenty (20) square feet per parking stall;
- (2) Commercial, industrial, or institutional developments, shall provided landscaping a rate of:
 - (a) Twenty (20) square feet per parking stall when ten (10) to thirty (30) parking stalls are provided; and
 - (b) Twenty five (25) square feet per parking stall when thirty one (31) or more parking stalls are provided;
- (3) Trees shall be provided and distributed throughout the parking area at a rate of:
 - (a) One (1) tree for every five (5) parking stalls for a commercial or industrial development; and
 - (b) One (1) tree for every ten (10) parking stalls for residential or institutional development;
- (4) The maximum distance between any parking stall and required parking area landscaping shall be no more than sixty-five (65) feet; and
- (5) Permanent curbs or structural barriers shall be provided to protect the plantings from vehicle overhang.
- (6) For developments in the Tourist District, see WMC 21.38.065.

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

- (1) All development 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.

21.16.080**Landscaping - adjacent to freeway rights-of-way.**

- (1) All residential developments shall provide a minimum of twenty (20) feet of Type I landscaping adjacent to freeway rights-of-way.
- (2) All other developments shall provide a minimum of twenty-five (25) feet of Type III landscaping adjacent to freeway rights-of-way.
- (3) For developments in the GB Zone, see the General Business Design Guidelines.

21.16.085**Landscaping - utility corridors.** Utility purveyors within the City of Woodinville are ~~encouraged~~required to maintain and plant landscaping within their right-of-way as follows:

- (1) Limited disturbance of vegetation to that necessary for safety and maintenance of transmission lines;
- (2) Prune trees to direct growth away from utility lines using accepted pruning

- practices identified in the Public Tree Care Standards Manual;
- (3) Phase replacement of vegetation located improperly in the right-of-way;
 - (4) Prune trees in an aesthetic manner according to the professional arboricultural specifications and standards;
 - (5) Select tree species recommended by the City's Tree Board or as approved by the City Tree Official that can withstand wind and are compatible with utility lines;
 - (6) Provide the City with a copy of the utility's policies and guidelines regarding tree pruning; and
 - (7) Present the City with a tree-pruning plan at least one week prior to tree-pruning activities.

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) Number 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~~Turf~~ may be used as ground cover in landscape areas provided that the

grassturf 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~~ distributed and irrigated in a manner that uses water efficiently 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; and-
- (18) A tree or plant professional as defined in WMC 21.06.679, shall be on-site during any site work affecting preserved trees.

21.16.100 Landscaping - alternative options. The following alternative landscape options may be allowed only if they accomplish equal or better levels of screening and are subject to Planning Director approval:

- (1) When the total area for required landscaping and that within the dripline of retained trees exceeds fifteen (15) percent of the area of the site, the landscaping requirement may be reduced so that the total required landscape and tree retention area will not exceed the fifteen (15) percent of site area;
- (2) The width of the perimeter landscape strip may be reduced up to twenty five (25) percent along any portion where:
 - (a) Berms at least three (3) feet in height or architectural barriers at least six (six) feet in height are incorporated into the landscape design; and
 - (b) The landscape materials are incorporated elsewhere on-site;
- (3) The width of the perimeter landscaping may be reduced up to ten (10) percent when a development retains an additional 10 percent of significant trees or ten (10) significant trees per acre on-site (above the requirements of WMC 21.16.130(3) and (4)), whichever is greater;

- (4) The landscaping requirement may be modified when existing conditions on or adjacent to the site, such as significant topographic differences, vegetation, structures or utilities would render application of this chapter ineffective or result in scenic view obstruction;
- (5) Street perimeter landscaping may be waived, provided a site plan is approved that provides a significant amount of street trees and other pedestrian-related amenities; and
- (6) When an existing structure precludes installation of the total amount of required site perimeter landscaping, such landscaping material shall be incorporated on another portion of the site.
- (7) The width of the perimeter landscaping may be averaged, provided the minimum width is not less than five (5) feet.

21.16.110 Landscaping - irrigation.

- (1) Except for areas of undisturbed existing vegetation or low areas with existing high soil moisture conditions, landscape areas shall have temporary irrigation systems.
Such systems shall be removed after twenty four (24) months or two (2) growing seasons, whichever occurs first, provided that the plantings are established;
- (2) Areas of undisturbed existing vegetation or areas where existing site conditions assure adequate soil moisture for growth within the required landscape area shall have temporary irrigation systems only as required to sustain new plantings and shall be determined on a case-by-case basis by the Planning Director; and
- (3) Areas of undisturbed existing vegetation, low areas with existing high soil moisture conditions, or landscape areas consisting of drought-tolerant vegetation shall not have permanent irrigation systems. Permanent irrigation systems may be permitted within all other required landscape areas, provided such systems shall be designed by a licensed landscape architect or certified irrigation designer and with:
 - (a) Moisture or precipitation sensors;
 - (b) Automatic timers set for operation during periods of minimum evaporation and that assure adequate moisture levels;
 - (c) Head-to-head spacing, if sprinkler heads are proposed;
 - (d) Pressure regulating devices;
 - (e) Backflow prevention devices; and
 - (f) Separate irrigation zones for:
 - (i) Turf and planting beds; and
 - (ii) Other non-drought-tolerant species.

21.16.120 Landscaping - installation.

- (1) Landscaping shall be installed prior to issuance of a certificate of occupancy for the project or project phase.
- (2) The time limit for compliance may be extended to allow installation of

landscaping during the next appropriate planting season, subject to submittal of a performance bond or appropriate security as approved by the Planning Director.

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 or detached accessory dwelling unit on a pre-existing single family lot is exempt from the preservation requirements. Voluntary tree preservation is strongly encouraged and may be eligible for a permit fee rebate in accordance with WMC21.16.128.

21.16.128 Single-Family Residential Tree Preservation Incentive. New single-detached dwelling unit construction on a pre-existing lot, whether accessory to another structure or not, may be eligible for a Permit Fee Rebate up to \$350 for tree preservation in accordance with Table 21.16.128(a) below. Tree-credits are based on the formula provided in WMC 21.16.130(a)(i) and are calculated on a per acre basis.

(a) Single Family Residential Tree Preservation Incentive Table

Tree-credits Preserved	Permit Fee Rebate
30 tree-credits	\$350
25 tree-credits	\$300
20 tree-credits	\$250
15 tree-credits	\$200
10 tree credits	\$150

- (b) The applicant may request a Permit Fee Rebate one (1) year after the completion of the new residence or new detached dwelling unit provided that all preserved-trees used to calculate tree-credits are retained except as provided for in WMC 21.16.130(f). A Permit Fee Rebate must be applied for no later than three (3) years following the completion of the residence.
- (c) A property owner may request approval for removal of the preserved trees within that year when the applicant demonstrates that new trees will be planted in accordance with replacement regulations of WMC 21.16.170 to bring the tree-credits equal to the amount of the credit originally received.
- (d) When the applicant is eligible to receive the rebate, the applicant may designate the rebate amount be paid towards a City tree related program in lieu of receiving payment. A list of current tree programs

- shall be on file with the Planning Department.
- (e) Danger trees do not apply to this incentive.

21.16.130 Tree preservation requirements.

(1) Preservation of 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 trees shall occur according to the following minimum requirements:

(a) The minimum tree-credits factor required for each site is 30 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:

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

- (b) Trees located within any required perimeter landscaping area shall be preserved and credited towards the required number of tree-credits;
- (c) 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) A grouping of three (3) or more existing trees with canopies that touch or overlap, may be given one (1) tree-credit provided each tree has a diameter at breast height of at least three (3) inches;
- (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), trees to be preserved shall not include 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; and
 - (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 City Tree Official, damaged or diseased or standing dead trees may be preserved and credited toward the 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 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 the required number of tree credits as set forth in WMC Section 21.16.130(1), the City Tree Official shall require the site design and layout to be redesigned to preserve the required tree-credits. Such redesign can include, but is not limited to, streets, sidewalks, stormwater facilities, utilities, parking lots, site grading, 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 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, by an increase in development costs of 25 percent or more;
 - (b) The redesign of the site cannot be achieved without threatening the viability of the preserved trees, as determined by a certified arborist; or
 - (c) No alternate 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).
- (5) When no new development is proposed, trees may be removed, provided:
- (a) No permit is required for removal of up to nine (9) tree-credits per twelve-month period or nine (9) tree-credits, according to the tree-credits schedule of WMC 21.16.170~~130~~, per acre per twelve-month period, except in sensitive areas as provided by WMC 21.24.
 - (b) Removal of more than nine (9) tree-credits per twelve-month period or nine (9) tree-credits per acre per twelve-month period requires approval of a land surface modification permit. If removal creates a site condition of less than 30 tree-credits per acres, tree replacement shall be in accordance with WMC 21.16.170(4). Tree-credits may also be achieved in accordance with WMC 21.16.130(1)(d), (e), or (j).
 - (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 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.

- (e) For any tree removal, tree replacement according to WMC 21.16.170 must be performed to mitigate for the removed trees to reach 30 tree-credits per acre tree density.
- (f) If more than nine (9) tree-credits per twelve-month period or 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. Immediate replacement as set forth in WMC 21.16.170 will be required.

- 21.16.140 Tree preservation plan.** The applicant shall submit a tree preservation 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 City Tree Official shall make a site visit to confirm the presence of trees. The tree preservation plan shall consist of:
- (1) A tree survey that identifies the location, size, and species of all trees or grouping of trees on a site. The tree survey may be conducted by a method that locates individual trees or by using standard timber cruising methods to reflect general locations, numbers, and grouping of trees provided that, when using either method, the survey shall show:
 - (a) The location and species of each 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 trees that are proposed to be preserved, transplanted, or restored.
 - (3) The preservation plan shall be developed to include maintenance considerations.
 - (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 Incentives for tree preservation

- (1) Each tree that is not located in the area for perimeter landscaping and is preserved may receive (3) 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;
 - (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 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 trees:

- (1) No clearing shall be allowed on a site until approval of tree preservation 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 shall be placed prior to any clearing and grading. Plastic fencing may be used as approved by the City Tree Official. If any sign of disturbance is observed by the City within the tree protection area, chain-link fencing shall be required;

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

21.16.170 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:

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

21.16.180 Maintenance.

- (1) All landscaping and trees shall be maintained for the life of the project;
- (2) All landscape materials and trees shall be pruned 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.
- (6) Maintenance of all landscaping installed as part of a development project within the right-of-way shall be the responsibility of the abutting property owner for the life of the project unless alternative conditions are approved by the City.

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 Three(3) 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.