

ORDINANCE NO. 481

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON CONCERNING THE 2009 ANNUAL DOCKET FOR AMENDMENTS TO THE WOODINVILLE MUNICIPAL CODE AND THE CITY ZONING MAP; MAKING FINDINGS OF FACT AND THE FOLLOWING AMENDMENTS:

1. AMENDING CHAPTERS 2.24 WMC, TREE BOARD AND 21.15 WMC TREE PROTECTION, TO ADD AND AMEND TREE PROTECTION REGULATIONS,
2. AMENDING CHAPTERS 15.21 WMC, FLOOD HAZARD AND 20.60 WMC, SUBDIVISION AND SHORT SUBDIVISION TO ADD REFERENCE TO THE DIRECTOR OF DEVELOPMENT SERVICES,
3. AMENDING CHAPTER 21.06 WMC, TECHNICAL TERMS AND LAND USE DEFINITIONS TO ADD A DEFINITION FOR BUILDING FOOTPRINT, ANTIQUE SHOP, COLLECTABLE SHOP, SECONDHAND/USED MERCHANDISE SHOP, AND TASTING ROOM AND PLACE DEFINITIONS IN THE PROPER ALPHABETICAL ORDER,
4. AMENDING CHAPTER 21.08 WMC, PERMITTED USES TO ALLOW SPORTS CLUB AS A CONDITIONAL USE IN THE INDUSTRIAL ZONE, ALLOW ANTIQUE/COLLECTABLE SHOP, COLLECTABLE SHOP AND SECONDHAND/USE MERCHANDISE SHOP AS PERMITTED USES IN THE NEIGHBORHOOD BUSINESS AND CENTRAL BUSINESS DISTRICT ZONES, ALLOW ANTIQUE/COLLECTABLE SHOP AS A PERMITTED USE IN THE TOURIST BUSINESS SUBJECT TO A DEVELOPMENT CONDITION, ALLOW TASTING ROOM AS A PERMITTED USE IN THE TOURIST BUSINESS AND GENERAL BUSINESS ZONES AND IN THE CENTRAL BUSINESS DISTRICT AND INDUSTRIAL ZONES SUBJECT TO DEVELOPMENT CONDITIONS, ALLOW DISTILLERY AS A CONDITIONAL USE IN THE CENTRAL BUSINESS DISTRICT ZONE AND AS A PERMITTED USE IN THE INDUSTRIAL ZONE,
5. AMENDING CHAPTER 21.08 WMC, DEVELOPMENT CONDITIONS TO REINSTATE A DEVELOPMENT CONDITION APPLICABLE TO GENERAL BUSINESS SERVICES AND PROFESSIONAL OFFICE USES IN THE INDUSTRIAL ZONE, PROVIDE RESTRICTIONS ON STAND-ALONE TASTING ROOMS, UPDATE REFERENCE TO CHAPTER 21.31, AND DELETE AN OUTDATED REFERENCE,
6. AMENDING CHAPTER 21.31 WMC, LANDMARK PROTECTION AND PRESERVATION TO ALIGN WITH KING COUNTY REGULATIONS,
7. AMENDING CHAPTER 21.32 WMC, NONCONFORMANCE, TEMPORARY USES AND RE-USE OF FACILITIES TO ADD REFERENCE TO THE INTERNATIONAL BUILDING CODE,
8. AMENDING CHAPTER 21.38 WMC, TOURIST DISTRICT OVERLAY TO ALLOW EXISTING OUTDOOR MANUFACTURING USES AS PERMITTED USES IN THE TOURIST DISTRICT OVERLAY,
9. AMENDING CHAPTER 21.44 WMC, DECISION CRITERIA TO UPDATE REFERENCE TO APPROPRIATE SECTIONS OF THE CRITICAL AREA REGULATIONS, AND
10. AMENDING THE CITY OF WOODINVILLE ZONING MAP TO EXTEND THE TOURIST DISTRICT OVERLAY DESIGNATION TO ALL PARCELS ZONED INDUSTRIAL LOCATED WEST OF SR 202 AND SOUTH OF NE 175TH STREET.

PROVIDING FOR SEVERABILITY; PROVIDING FOR SUMMARY PUBLICATION BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to the requirements of the Washington State Growth Management Act, the City of Woodinville is required to develop and adopt development regulations implementing its Comprehensive Plan;

WHEREAS, RCW 36.70A.130(4) requires that the City of Woodinville, a "fully planning" city within King County shall update its Comprehensive Plan and development regulations, as necessary, to reflect local needs, new data, and current laws;

WHEREAS, the Woodinville City Council has determined that certain amendments are necessary to keep the Comprehensive Plan, Development Code, Subdivision Code and Zoning Code updated and to accommodate the needs of its citizens;

WHEREAS, the Woodinville City Council has reviewed the amendments contained in this ordinance and finds that these amendments meet the required criteria in Ordinance No. 172 and WMC 21.46.030;

WHEREAS, a public hearing was held by the City of Woodinville Planning Commission on September 16 and October 21, 2009;

WHEREAS, the requirements of the State Environmental Policy Act (SEPA) RCW 43.21C have been met;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Findings. The City Council hereby adopts the following findings in support of this ordinance, together with the recitals expressed herein.

1. The 2009 Annual Docket Applications are organized into two broad categories: (1) Comprehensive Plan Amendments and (2) Development Code Amendments.
2. Pursuant to the City of Woodinville Municipal Code (WMC) Chapter 17, the Planning Commission is required to hold a public hearing on the amendments and make a recommendation to the City Council.
3. The Zoning Code and Zoning Map amendments are consistent with the required decision criteria found in WMC 21.46.030 and WMC 21.44.070. Analysis of the proposed amendments and decision criteria is contained in Attachment A, which is herein incorporated by reference.
4. The City SEPA Official reviewed the 2009 Annual Docket amendments for environmental impacts under SEPA (RCW 43.21C), and issued Determination of Non-Significances (DNS) on May 11, May 18, August 3, August 31 and September 21, 2009. The appeal periods ended without any comments or appeals being filed.
5. The Planning Commission reviewed the 2009 Annual Docket proposed Development Code amendments during its March 4 and 18, April 15, May 6 and 20, June 3 and 17, July 1, August 5 and 19 and September 2, 2009 public meetings.

6. To encourage public involvement, the City published notice and held two public open house meetings on June 10, 2009 and August 5, 2009 to receive public comment on the 2009 Annual Docket.
7. The Planning Commission held public hearings for the 2009 Annual Docket proposed Development Code amendments on September 16, 2009.
8. The Planning Commission received written comments and public testimony; deliberated and produced a public record and recommendations on the 2009 Annual Docket Development Code amendments during the September 16, and October 7, 2009 Planning Commission meetings.
9. The City Council considered the Planning Commission's public record and recommendations concerning the 2009 Annual Docket Development Code amendments at a public hearing on November 10, 2009.
10. Zoning Code Amendment Applications ZCA09003 and ZCA09004, submitted by Woodinville Village Associates, to expand uses in the Tourist Business District, are hereby removed from the 2009 Docket for lack of a complete application and at the request of the applicant.
11. The City Council held first reading of Ordinance No. 481 on November 10, 2009.
12. The City Council held second reading of Ordinance No. 481 on December 1, 2009.

Section 2. Amendment to the City of Woodinville Zoning Map Adopted. The City of Woodinville Zoning Map is hereby amended to read as set forth in Attachment B, which is attached hereto and incorporated herein by this reference as if set forth in full.

Section 3. Amendment to Chapter 2.24, Tree Board, is hereby amended to read as set forth below. New text is shown by underline; deleted text is indicated by ~~strikethrough~~.

2.24.100 Rights-of-way street tree spacing and location requirements.

Street trees within the right-of-way shall be spaced at an average 25 feet on center, with no less than 15 feet on center and no more than 35 feet on center. At street corners, street trees may be groved. ~~The street trees planting following requirements are to~~ shall be placed to minimize impacts on streets, sidewalks, sewers, overhead utility lines, and pedestrian and vehicular safety. ~~The guidelines are based on the size of the tree at maturity.~~ The City Tree Official may authorize modifications to these guidelines the spacing of street trees which result in a decrease or increase in the standards. Any request for a modification shall involve a consultation with a certified arborist and approval of the City Tree Official and shall be site and species specific.

Rights-of-Way Street Tree Spacing and Location Requirements			
Criteria	Small Trees	Medium Trees	Large Trees
Recommended spacing between trees	20 to 30 feet	Minimum 30 feet	Minimum 45 feet
Planting distance from curb and sidewalk	3 feet	5 feet	7 feet

Rights-of-Way Street Tree Spacing and Location Requirements			
Criteria	Small	Medium	Large

	Trees	Trees	Trees
Planting distance from street corners and/or intersections	35 feet	35 feet	35 feet
Planting distance from hydrants, utility poles, alleys, driveways	10 feet	10 feet	15 feet
Planting distance behind guardrails	3 feet	3 feet	3 feet
Planting distance from buildings	5 to 10 feet	10+ feet	Don't plant
Planting distance from sewer lines	10 feet	15 feet	20 feet
Refer to Required Tree Species List for overhead utility line plantings to achieve the 10-foot clearance			
Planting distance from other underground utilities	5 feet	10 feet	15 feet

2.24.130 Tree topping.

It shall be unlawful as a normal practice for any person, firm, or City department to top any street tree, park tree, or other tree on public property or in a public easement. "Topping" is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this chapter at the determination of the City Tree Official. Trees may be pruned subject to the pruning techniques in WMC 21.15.

2.24.180 Penalty.

In accordance with enforcement regulations Chapter 1.06 WMC, any person violating these provisions shall be subject to civil penalties, pursuant to WMC 21.15 (\$250.00/day). For violations related to tree removal or tree damage, each tree shall be considered a separate violation.

Section 4. Amendment to Sections 15.21.100, 15.21.110 and 15.21.120, Flood Hazard of the Woodinville Municipal Code, are hereby amended to read as set forth below. New text is shown by underline; deleted text is indicated by ~~strikethrough~~.

15.21.100 City ~~Permits Center Director/Building Official~~ Development Services Director to administer.

15.21.110 Development permit required.

15.21.120 Duties of the City ~~Permits Center Director/Building Official~~ Development Services Director.

15.21.100 City ~~Permits Center~~ Development Services Director/Building Official to administer.

The City ~~Permits Center~~ Development Services Director/Building Official shall administer and implement the provisions of this chapter and shall have the authority to grant or deny flood improvement permits in accordance with its provisions. (Ord. 379 § 16, 2004)

15.21.110 Development permit required.

- (2) Permit Application. Application for a flood improvement permit (Type I permit pursuant to WMC 17.07.030) shall be made on forms as prescribed by the City ~~Permits Center~~ Development Services Director/Building Official, and may include but not be limited to plans in duplicate drawn to scale, showing the nature, location, dimensions and elevations of the area for which application is made, and existing or proposed structures, fill, storage of materials, drainage facilities, and their locations. The following information and documents shall be required:

- (a) The name and address of the applicant;
- (b) The name and address of the legal owner;
- (c) The legal description of the property;
- (d) The nature of the proposed action;
- (e) A statement as to the proposed use of any structure;
- (f) A statement as to whether the proposed action is temporary or permanent;
- (g) The elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
- (h) The elevation in relation to mean sea level to which any structure has been flood proofed;
- (i) The certification of a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria of the City;
- (j) A description of the extent to which a watercourse will be altered or relocated as a result of the proposed development; and
- (k) A topographic survey, prepared by a licensed surveyor or engineer, with sufficient scale and contour interval to adequately assess variation in the ground surface; provided, this requirement shall be waived if the proposed development does not include either excavation or fill, or if the development proposal is for an addition to, or elevation or remodel of, an existing residence containing not more than an additional 300 square feet.

15.21.120 Duties of the City ~~Permits Center~~ Development Services Director/Building Official.

Duties of the City ~~Permits Center~~ Development Services Director/Building Official shall include but not be limited to the following:

- (1) Permit Review. The City ~~Permits Center~~ Development Services Director/Building Official shall review all applications for flood improvement permits for compliance with these requirements, determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required, determine if the proposed action will occur in the floodway, and if so, determine that all special provisions relating to actions in the floodway have been met; provided, it shall be the responsibility of the applicant to identify all Federal, State, or local agencies whose prior approval is required, and all risk of loss or damage for the failure to do so shall be borne solely by the applicant.
- (2) Use of Other Base Flood Data. When base flood elevation data has not been provided, the City ~~Permits Center~~ Development Services Director/Building Official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source in order to administer the provisions of WMC 21.24.210, 21.24.240, and 21.24.250 (development standards and permitted alterations).
- (3) Maintenance of Information. The City ~~Permits Center~~ Development Services Director/Building Official shall obtain, record, and maintain for public inspection the following information:
 - (a) The actual (as-built) elevation in relation to sea level of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement; and
 - (b) For all new or substantially improved flood proofed structures, verify and record the actual elevation in relation to mean sea level, and maintain the flood proofing certifications required by this chapter.
 - (c) Interpretation of FIRM Boundaries. The City ~~Permits Center~~ Development Services Director/Building Official shall make interpretations where needed as to the exact location of the boundaries of the areas of special flood hazard; for example, where there appears to be a conflict between a mapped area and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted when consistent with the standards of

Section 60.6 of the Rules and Regulations of the National Flood Insurance Program (44 CFR 576) as the same now exists or may hereafter be amended.

- (4) Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the City ~~Permits Center~~ Development Services Director/Building Official or the designee has reasonable cause to believe that there exists in any building or upon any lands a condition of violation of these regulations, the City ~~Permits Center~~ Development Services Director/Building Official or the designee may enter such building or lands at all reasonable times to inspect the same or to perform any duty imposed on the City ~~Permits Center~~ Development Services Director/Building Official by this section; provided, that if such building or lands be occupied, the official shall first provide identification and request entry; and if such buildings or lands be unoccupied, the official shall first make a reasonable effort to locate the owner or person having control of the building or lands and request entry. If such entry is refused or if the City is unable to locate the owner or occupant, the City ~~Permits Center~~ Development Services Director/Building Official (or designee) shall have recourse to every remedy provided by law to secure entry.

Section 5. Amendment to the Chapter 20.06, Subdivision and Short Subdivision of the Woodinville Municipal Code is hereby amended as set forth below. New text is shown by underline; deleted text is shown by ~~strikethrough~~.

20.06.210 Improvements – Security for performance and warranty.

- 1) Prior to actual construction of required improvements, the sub-divider shall provide a guarantee in a form approved by the City Attorney and in an amount to be determined by the Planning Director (landscape, critical areas, etc) and Public Works Director (on and off-site improvements, drainage, lighting, etc) sufficient to guarantee actual construction and installation of such improvements prior to final plat or short plat approval and issuance of a Certificate of Occupancy. The guarantee shall only be released to the applicant upon written approval by the Planning Director and Public Works Director. A schedule for the release of funds shall be approved by the City prior to authorization to proceed with construction. In such case where the applicant fails to complete the infrastructure work by the deadline provided herein, the City shall have the option of attaching the guarantee to ameliorate any outstanding environmental concerns at the project site and/or to complete the project. The amount of the guarantee for completion shall not be less than 150 percent of the estimate of the cost of such improvements, but the Director may set a higher percentage based upon the complexity of the project. In addition, before acceptance by the City of the improvements, the sub-divider shall complete the project closeout requirements and file a maintenance and defect guarantee in a form approved by the City Attorney and in an amount to be determined by the Planning Director (landscape, critical areas, etc) and Public Works Director guaranteeing the repair or replacement of any improvement or any landscaping which proves defective or fails to survive within a minimum two 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 guarantee for maintenance are filed.
- (2) The City ~~Permits Center~~ Development Services Director/Building Official may enforce the assignment of funds or other security required by this section according to their terms, pursuant to any and all legal and equitable remedies. In addition, any assignment of funds 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 ~~Permits Center~~ Development Services Director/Building Official 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 subsection (2)(a) or this section by the specified time, the City ~~Permits Center~~ Development Services Director/Building Official 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 12 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.
- (c) In the event that the guarantee is in the form of an assignment of funds or cash deposit with the City, the City may deduct all costs set forth in this section from the assignment of funds or cash on deposit, and the sub-divider 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 is required subject to WMC 20.06.200 and shall proceed as follows:

- (1) Complete construction drawings, specifications and related material shall be submitted to the City ~~Permits Center~~ Development Services Director/Building Official 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.
- (6) 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 ~~Permits Center~~ Development Services Director/Building Official. When a final plat is involved, the certified as-built drawings are required to be submitted prior to the acceptance of the subdivision improvements and approval of the plat or proper administrative authority for short plats by the City Council.

Section 6. Amendment to the Chapter 21.06, Technical Terms and Land Use Definitions of the Woodinville Municipal Code is hereby amended as set forth below. New text is shown by underline; deleted text is shown by ~~strikethrough~~.

CHAPTER 21.06 TECHNICAL TERMS AND LAND USE DEFINITIONS

- 21.06.035** **Antique Shop.** Antique Shop: an establishment engaged in the selling of used merchandise that is at least 100 years old excluding motor vehicles, motor vehicle parts, tires, recreational vehicles (RVs) and mobile homes.
- 21.06.0356** **Applicant.** Applicant: a property owner or any person or entity acting as an agent for the property owner in an application for a development proposal, permit or approval.
- 21.06.0367** **Auction house.** Auction house: an establishment where the property of others is sold by a broker or auctioneer to persons who attend scheduled sales periods or events.

21.06.0378 Auto parts yard. Auto parts yard: a tract of land on which used, damaged or otherwise inoperable motor vehicles are stored and disassembled, the parts of which may be sold (wholesale or retail) on-site.

21.06.0389 Base flood. Base flood: a flood having a one percent chance of being equaled or exceeded in any given year, often referred to as the "100-year flood." Designation on FIRM maps always includes the letters A or V.

21.06.079 Building footprint. Building footprint: portion of a building, measured from the exterior of the exterior walls that covers the ground, including cantilevered portions of the building, but excluding roof overhangs.

21.06.111 Collectable Shop. Collectable Shop: an establishment engaged in the selling of used merchandise that is at least 25 years old or older excluding motor vehicles, motor vehicle parts; tires, recreational vehicles (RVs) and mobile homes.

21.06.1142 Co-location. Co-location: the common use of a single antenna support structure, alternative support structure or by two or more personal wireless service providers.

21.06.1686 Development Services Director. Development Services Director. The manager of the City of Woodinville's Development Services Department or his or her designee.

21.06.1668 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 above the ground line.

21.06.534 Secondhand/Used Merchandise Shop. Secondhand/used Merchandise Shop: an establishment engaged in retailing used merchandise and secondhand goods excluding motor vehicles, such as automobiles, recreational vehicles (RVs), motorcycles, and boats; motor vehicle parts; tires; and mobile homes.

21.06.5345 Secure Community Transition Facility. Secure Community Transition Facility: are smaller housing units required by the federal court to provide a community-based treatment setting for SCC sex offenders who have progressed successfully through multiple levels of treatment over several years.

21.06.5356 Seismic hazard areas. Seismic hazard areas: those areas in the City of Woodinville subject to severe risk of earthquake damage as a result of earthquake-induced ground shaking, slope failure, settlement, surface rupture, or soil liquefaction.

21.06.649 Tasting Room. Tasting room: an establishment that allows customers to taste samples of wine, beer or spirits and has a state of Washington issued liquor license as a tasting room. A tasting room may also include wine, beer, or spirits and related items sales, marketing events, special events, entertainment, and/or food

service. Establishments that are classified by the state liquor board as bars, nightclubs, taverns or restaurants are not included in this classification.

21.06.64950 Temporary shelter. Temporary shelter: a dormitory set up by an institution or nonprofit agency for the protection of homeless people on a temporary basis.

21.06.65051 Temporary use permit. Temporary use permit: permit to allow a use of limited duration and/or frequency, or to allow multiple related events over a specified period.

Section 7. Amendment to Section 21.08.040, Recreational/Cultural Land Uses, of the Woodinville Municipal Code regarding sports club land use is hereby amended to read as set forth in Attachment C, which is attached hereto and incorporated herein by this reference as if set forth in full. New text is shown by underline; deleted text is shown by ~~strikethrough~~.

Section 8. Amendment to Section 21.08.070, Retail Land Uses, of the Woodinville Municipal Code regarding tasting rooms, antique/collectable shop, collectable shop and secondhand/used merchandise shop land uses is hereby amended to read as set forth in Attachment D, which is attached hereto and incorporated herein by this reference as if set forth in full. New text is shown by underline; deleted text is shown by ~~strikethrough~~.

Section 9. Amendment to Section 21.08.080, Manufacturing Land Uses, of the Woodinville Municipal Code regarding distillery land use is hereby amended to read as set forth in Attachment E, which is attached hereto and incorporated herein by this reference as if set forth in full. New text is shown by underline; deleted text is shown by ~~strikethrough~~.

Section 10. Amendment to Subsections 21.08.040B(11), 21.08.060B(16), and 21.08.070B(11), Development Conditions, of the Woodinville Municipal Code are hereby amended to read as set forth in below. New text is shown by underline; deleted text is shown by ~~strikethrough~~.

21.08.040 B DEVELOPMENT CONDITIONS

- (11) Only as accessory to a park or in a building listed on the National Register as an historic site or designated as a landmark subject to the provisions of ~~WMC 21.38.080.~~ WMC 21.31

21.08.060 B DEVELOPMENT CONDITIONS

- (16) Only as an accessory use to another permitted use, not to exceed forty-nine percent of gross floor area.

21.08.070 B DEVELOPMENT CONDITIONS

- (11) Sexually oriented businesses shall be prohibited within:
- (a) 660 feet of the perimeter of the building or point of access in which: any other sexually oriented business is located; or
 - (b) 330 feet from any office zone or residential zone, except the single-family residential zoned areas to the west and east of the North Industrial Neighborhood Sexually Oriented Business Overlay District; or
 - (c) 330 feet of any school, licensed daycare, public park, community center, public library, sports club with children's activities, or church which conducts religious or educational classes for minors; or
 - (d) ~~330 feet of the Woodinville Fire and Life Safety District Station No. 31~~

(25) Tasting rooms are only permitted on those properties that have sufficient parking, vehicular access to the site, and pedestrian access to the business entrance as determined by the Director. Tasting rooms are required to undergo review for traffic impacts pursuant to WMC 3.39 and the Infrastructure Standards as adopted under WMC 12.09. A parking study will be required to determine the number of spaces needed to meet the needs of a tasting room. All facilities shall provide or obtain: ADA compliant facilities; current state liquor license as a tasting room; direct pedestrian access from the business entrance to a public street or other public trail.

(26) Permitted as an accessory to an on-site wine, beer or spirits production facility.

Section 11. Amendment to the Chapter 21.15, Tree Protection of the Woodinville Municipal Code is hereby amended to read as set forth in Attachment F, which is attached hereto and incorporated herein by this reference as if set forth in full. New text is shown by underline; deleted text is shown by ~~strikethrough~~.

Section 12. Amendment to Section 21.31.030, Landmark Protection and Preservation, of the Woodinville Municipal Code is hereby amended to read as set forth in below. New text is shown by underline; deleted text is shown by ~~strikethrough~~.

21.31.030 King County Code sections adopted. The City Council hereby adopts the following sections of Chapter 20.62 KCC which are incorporated by reference herein and made a part of this chapter:

- (1) KCC 20.62.020 – Definitions, except as follows:
 - (a) ~~Paragraph F is changed to read “‘Council’ is the Woodinville City Council.”~~
 - (b) (a) Paragraph I (H) is changed to read “‘Director’ is the City of Woodinville Building Official or his or her designee.”
- (2) KCC 20.62.040 – Designation Criteria, except all references to “King County” are changed to read Woodinville.
- (3) KCC 20.62.050 – Nomination Procedure.
- (4) KCC 20.62.070 – Designation Procedure, except all references to “King County” are changed to read Woodinville.
- (5) KCC 20.62.080 – Certificate of Appropriateness Procedure, except the last sentence of paragraph A thereof.
- (6) KCC 20.62.100 – Evaluation of Economic Impact.
- (7) KCC 20.62.110 – Appeal Procedure.
- (8) KCC 20.62.130 – Penalty for Violation of Section 20.62.080 ~~(paragraph E above)~~.
- (9) KCC 20.62.140 – Special Valuation for Historic Properties.
- (10) KCC 20.62.150 – Historic Resources – Review Process, except all sections but the final sentence of paragraph B(4) and the entirety of paragraph C thereof.

Section 13. Amendment to Subsection 21.32.020(2), Nonconformance - applicability, of the Woodinville Municipal Code is hereby amended to read as set forth in below. New text is shown by underline; deleted text is shown by ~~strikethrough~~.

21.32.020 Nonconformance - applicability.

- (1) With the exception of nonconforming extractive operations identified in WMC 21.22, all non-conformances shall be subject to the provisions of this chapter.
- (2) The provisions of this chapter do not supersede or relieve a property owner from compliance with:
 - (a) The requirements of the ~~Uniform~~ International Building and Fire Codes; or

- (b) The provisions of this code beyond the specific nonconformance addressed by this chapter.

Section 14. Amendment to Subsection 21.38.065, Special district overlay - Tourist District, of the Woodinville Municipal Code is hereby amended to read as set forth in below. New text is shown by underline; deleted text is shown by ~~strikethrough~~.

- (3) Existing manufacturing businesses, in existence prior to January 1, 2010, shall continue to be permitted as an outright use. No provisions in WMC 21.38.065(4) below shall be construed to require an existing business to comply with the stated requirements. However, this status does not run with the property, and once the existing business ceases to exist, this status is removed. A new business moving into an existing building shall comply with the requirements in WMC 21.38.065(4).
- (34) New manufacturing uses or businesses that are permitted in the underlying zoning are allowed in the Tourist District, except that:
- (a) No primary manufacturing, including smelting or refining, as defined in the NAICS Manual, is allowed;
 - (b) All manufacturing activities must take place indoors;
 - (c) No on-going outdoor storage of machinery, raw materials, or finished products is permitted in excess of sixty (60) days without proper and complete screening from public view;
 - (d) Noxious and persistent odors must be minimized to the greatest extent available and feasible; and
 - (e) Repetitive noise that is attributable to manufacturing must be minimized between the hours of 9 pm and 7 am.
- (45) The following development criteria shall apply to development proposals within the Tourist District Overlay:
- (a) Building architecture, including design, materials, bulk and scale shall be compatible with the recreational, agricultural, and tourist character of surrounding uses and consistent with the purposes of Tourist District Master Plan;
 - (b) Site and landscape design shall facilitate pedestrian, bicycle, and vehicular traffic flow between major project phases and individual developments and any adjacent tourist-related uses;
 - (c) Site design shall minimize connections to the Woodinville-Redmond Road (SR 202) through use of shared driveways;
 - (d) All development is subject to the City of Woodinville's Design Guidelines and Standards, except that:
 - i. Developments shall provide a ten (10) foot width of Pedestrian Space as defined in Appendix A and Section II.H.2.a of the City's Design Guidelines and Standards or provide ten (10) feet of Type III landscaping; and
 - ii. A ten-foot sidewalk/bike path shall be provided; and
 - (e) All development with frontage on SR 202 is subject to the City's Design Guidelines and Standards for pedestrian-oriented streets.
- (56) The following development standards and requirements shall apply to all new development or redevelopment and all property under common ownership located within the Tourist District Overlay:
- (a) All uses except for accessory uses shall be conducted inside an entirely enclosed building provided that uses that are not contained in the enclosed building shall be treated architecturally to minimize visual impact;
 - (b) The height of each building and accessory structures shall not exceed forty-five

- (45) feet from the existing grade, provided height may be increased when the increase is for architectural or functional features integral to the design or use of the structure and is consistent with the purpose of the Tourist District Overlay, subject to approval by the Development Services Director. Said architectural or functional features shall be limited to penthouses or roof structures for housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building; fire or parapet walls, skylights, towers, flag poles, chimneys, smoke stacks, church steeples and belfries, wireless mast, utility line towers and poles, windmills, food silos and barns, and similar structures required for the use of the building;
- (c) All loading and service areas shall be screened so that they are not visible from public roads and trails by berms, Type I landscaping and/or architectural features;
 - (d) All buildings shall maintain a twenty (20) foot landscaped setback from residentially zoned or developed areas, unless it can be shown that twenty (20) feet of permanent landscaped buffer exists between structures;
 - (e) All buildings shall maintain a five (5) foot wide landscaped setback from interior property lines abutting non-residentially zoned areas;
 - (f) All buildings shall maintain a 100 foot landscaped setback from the Sammamish River.
 - (g) Trails shall either be provided or land for trails dedicated along the Sammamish River.
 - (h) The site coverage standards set forth in WMC 21.12 are modified as follows:
 - i. The total permitted impervious lot coverage shall be eighty-five (85) percent. The remaining fifteen (15) percent shall be devoted to open space. Open space may include all required landscaping, and any unbuildable environmentally sensitive areas and their associated buffers;
 - ii. Trails may be provided in the area dedicated to open space; and
 - iii. When a subdivision or a binding site plan is proposed for a unified site, the site coverage standards apply to the total unified site and not each proposed lot;
 - (i) Landscaping shall meet the standards set forth in the City's Design Guidelines and Standards, provided that:
 - i. An overall landscaping plan for each development phase shall be approved by the Development Services Director prior to the issuance of any site development, grading, or building permits;
 - ii. Either ten (10) feet of street front landscaping or ten (10) feet of pedestrian-oriented space shall be provided;
 - iii. Landscaping shall be included along interior lot lines in a commercial, office, or industrial development as follows:
 - a. A twenty (20) foot width of Type I abutting residentially developed property or undeveloped residentially zoned property;
 - b. A ten (10) foot width of Type I abutting property developed public recreational;
 - c. A ten (10) foot width of Type I abutting property designated as permanent open space; or
 - d. Five (5) feet of Type II abutting commercially or industrially zoned or developed areas;
 - iv. Type IV landscaping shall be provided within all surface parking lots as follows:
 - a. Fifteen (15) percent of the parking area, excluding required perimeter

- landscaping, shall be landscaped in parking lots with more than thirty (30) parking stalls;
- b. At least one (1) tree for every four (4) parking stalls shall be provided, to be reasonably distributed throughout the parking lot; and
- c. No parking shall be more than forty (40) feet from some landscaping.
- v. Notable trees identified in the Tree Board inventory shall be retained as set forth in WMC 21.15;
- (j) Refuse collection/recycling areas and loading or delivery areas shall meet the requirements of 21.14.250(4) and shall be located at least twenty (20) feet from residential areas, tourist related uses, or trails and screened with Type I landscaping;
- (k) Sign standards for the Tourist District are set forth in Chapter 21.20.
- (l) All rooftop mechanical equipment shall be screened architecturally to minimize its visual impact, provided that the screen is as high as the equipment.
- (67) All development in the Tourist District shall be subject to design review, provided:
 - (a) Applications shall be reviewed by the Planning Commission Design Review Subcommittee; and
 - (b) Design review shall be performed considering the following factors:
 - i. These regulations;
 - ii. The City's Design Guidelines and Standards;
 - iii. The ability of the development to fit compatibly with existing development; and
 - iv. The Tourist District Master Plan.
- (78) Street frontage standards shall adhere to the following:
 - (a) Landscaping and open space shall conform to WMC 21.38.065.(5)(l) above;
 - (b) Standard sidewalks and bike paths shall be provided; however a ten (10) foot combined sidewalk/bike path made of asphalt may be provided in lieu of standard sidewalks and bike paths;
 - (c) The sidewalk or the combined sidewalk/bike path shall be separated from vehicle lanes by a minimum five-foot landscaped strip;
 - (d) The sidewalk or the combined sidewalk/bike path may meander on to private property with a public access easement; and
 - (e) Street trees shall be planted in the landscaping strip twenty-five (25) feet on center utilizing one of the species of street tree selected from the Tree Board recommended Tree Species List, and approved by the City's Tree Official.
- (89) Special events, and outdoor performances shall comply with the Temporary Use Permits section of the WMC 21.32 and the following:
 - (a) All needed parking will be accommodated on-site by a combination of permanent and temporary facilities or on other private sites with appropriate written consent;
 - (b) An event management plan covering sanitation, crowd control, traffic parking and emergency services shall be filed with the Public Works Director; and
 - (c) The maximum permissible sound levels for receiving property shall not exceed 59 dBA per WMC 8.08 for short duration increased levels.

Section 15. Amendment to Subsection 21.44.040(12), Variance decision criteria, of the Woodinville Municipal Code is hereby amended to read as set forth in below. New text is shown by underline; deleted text is shown by ~~strikethrough~~.

21.44.040 Variance. A variance shall be granted by the City's Hearing Examiner, only if the applicant demonstrates all of the following:

(12) The variance does not relieve an applicant from any provisions of WMC 21.24 Critical Areas, except for the required buffer widths set forth in WMC 21.24.270, 21.24.300, 21.24.310, 21.24.330 or 21.24.350 21.24.380.

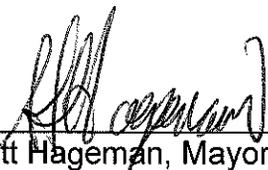
Section 16. Authorization for changing the Zoning Map Adopted. The Planning Director is hereby authorized and directed to make the necessary changes to the City's official Zoning Map as set forth in this Ordinance.

Section 17. Severability. Should any section, paragraph, sentence, clause, or phrase of this ordinance be held 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. Provided, however, that if any section, sentence, clause, or phrase of this ordinance, or any change in a land use designation is held to be invalid by a court of competent jurisdiction, or by the Growth Management Hearings Board, then the section, sentence, clause, phrase, or land use designation in effect prior to the effective date of this ordinance, shall be in full force and effect for that invalidated section, sentence, clause, phrase, or land use designation, as if this ordinance had never been adopted.

Section 18. Copy to Commerce Department. Pursuant to RCW 36.70A.106(3), the City Clerk is directed to send a copy of the amendments to the State Department of Commerce for its files within ten (10) days after adoption of this ordinance.

Section 19. Effective Date. The adoption of this ordinance, which is a power specifically delegated to the City legislative body, is not subject to referendum. This ordinance or a summary thereof shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL AND SIGNED IN AUTHENTICATION OF ITS PASSAGE
THIS 1st DAY OF DECEMBER 2009.**



Scott Hageman, Mayor

ATTEST/AUTHENTICATED:



Jennifer L. Kuhn, CMC
City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY



Greg A. Rubstello
City Attorney

PASSED BY THE CITY COUNCIL: 12/01/2009
PUBLISHED: 12/07/2009
EFFECTIVE DATE: 01/01/2010
ORDINANCE NO. 481

WMC 21.46.030 Required Findings for Zoning Code Amendments

ZCA09001 – CrossFit Zoning Code Amendment

Zoning Code Amendment ZAA09001 to allow “fitness centers” as a Conditional Use in the Industrial zone is consistent with the applicable criteria contained in WMC 21.46.030 pursuant to the following comments and findings:

1. The amendment is consistent with the purposes of the Comprehensive Plan.
Comment & Finding: The Amendments provide consistency with the Growth Management Act and amend the Zoning Code to further implement the Comprehensive Plan by providing access to new fitness technology, providing access to more physical fitness opportunities, providing employment opportunities, diversifying the economic base, and by allowing this type of businesses to locate within the City.
2. The amendment is consistent with the purposes of this title (Zoning Code).
Comment & Findings:
 - a. The amendments are consistent with the general purposes of the Zoning Code. The amendments will allow sports club uses that support other permitted activities in the industrial zone such as dance and gymnastics.
 - b. The public health, safety and welfare is served by the proposed amendments by making this a conditional use and providing employment and new fitness technology opportunities within the Industrial zone.
3. The benefit or avoided cost to the public health, safety and welfare is sufficient to warrant the action.
Comment & Findings:
 - a. The proposed amendments are expected to have positive impacts on public health, safety, and welfare, and will provide the city with the positive benefit of increased opportunities for physical fitness.
 - b. The proposed amendments are an implementing tool of the City’s Comprehensive Plan, and are one instrument to achieving the goals and polices within this Plan.
 - c. The intent of the of the proposed amendments, will further the public health, safety and welfare by including provisions that will:
 - i. Allow the City to condition the use so that any potential threat to public safety or health is addressed.
 - ii. Implement the goals and objectives of the City’s Comprehensive Plan;
 - iii. Implement the goals and objectives of the State Environmental Policy Act (SEPA).

ZCA09005 – Tree Protection Regulations

Zoning Code Amendment ZCA09005 to update the Tree Protection Regulations is consistent with the applicable criteria contained in WMC 21.46.030 pursuant to the following comments and findings:

1. The amendment is consistent with the purposes of the Comprehensive Plan.
Comment & Findings:

Ordinance No. 481 Attachment A – Zoning Code & Map Amendment Criteria

- a. The proposed Amendments provide consistency with the Growth Management Act and amend the zoning code to further implement the Comprehensive Plan.
- b. The proposed tree protection amendments will further several goals of the comprehensive plan, by providing regulations that aim to maintain, enhance and expand the existing tree canopy coverage of the City of Woodinville.
- c. The Northwest woodland character is an important component to the Woodinville Comprehensive Plan. The proposed amendments will further the goals and policies related to Northwest woodland character by encouraging the retention of existing trees, and requiring additional trees on those site that do not meet the tree density requirements.
- d. The City will have an opportunity to further educate citizens, students, and businesses on the benefits of trees and their value in Woodinville.
- e. The purpose of the Comprehensive Plan is furthered by the proposed amendments through the requirements for:
 - i. Tree canopy coverage goals.
 - ii. Tree health information by a qualified professional based on specific criteria.
 - iii. Standardized, consistent permitting.
 - iv. Alternative compliance methods, including off-site plantings, payment into a City tree fund, and/or alternative building methods.
- d. The following Comprehensive Plan goals and policies support the adoption of these amendments:
 - i. LU-1: To guide the City's population growth in a manner that maintains or improves Woodinville's quality of life, environmental attributes, and Northwest woodland character.
 - ii. LU-1.1: Preserve the character of existing neighborhoods in Woodinville while accommodating the state's 20-year growth forecasts for Woodinville.
 - iii. LU-3.2: Preserve the existing natural environment of Woodinville's neighborhoods.
 - iv. ED-2.2: Protect the beauty of the natural environment to maintain a community where residents want to live and work.
 - v. CD-1: To promote an image of a visually cohesive community to residents and visitors.
 - vi. CD-2: To maintain the Northwest woodland character and heritage of Woodinville.
 - vii. CD-2.5: Require development to retain existing significant vegetation, where feasible, through regulations in the Woodinville Municipal Code.
 - viii. CD-2.10: Provide opportunities for public education on the value of trees, including their environmental, aesthetic and visual qualities and benefits.
 - ix. ENV-6: To promote the preservation of Northwest woodland character.
- e. The City adopted the Community Urban Forestry Plan in 1998. While the entire plan supports the adoption of the proposed amendments, the following goals and policies are especially important when looking at changes to tree-related regulations:
 - i. CUF-1.3: Establish tree and plant retention regulations for development that are flexible and provide options while ensuring the preservation and enhancement of the community urban forest.
 - ii. CUF-2: To work towards no net loss of the overall community urban forest cover; in the long term, measureable gain.
 - iii. CUF-2.1: Maintain the existing canopy cover and work towards an attainable canopy cover increase.
 - iv. CUF-5: To encourage tree and vegetation planting that increases environmental benefits including energy savings, noise reduction, cleaner air and water, and protection from the elements.
 - v. CUF-5.3: Require site design measures that include tree and plant retention or replacement that saves energy, serves as a noise reducing buffer, enhances cleaner air, reduced and cleans water runoff, and protects structures and people from the elements.

Ordinance No. 481 Attachment A – Zoning Code & Map Amendment Criteria

- vi. CUF-5.5: Provide for effective coordination and compliance of land clearing and development with other applicable City development standards including, but not limited to, building, zoning, subdivision, sensitive area, grading, landscaping, tree preservation, stormwater, erosion control and street design.
- vii. CUF-7: To achieve a sustainable community urban forest through diversity of species and ages to safeguard the forest's overall health and to enhance scenic beauty.
- viii. CUF-7.1: In all incentives and regulations, strongly favor preservation over replanting.
- ix. CUF-7.2: Require tree and plant minimum replacement standards that over time will provide an equal or greater value to the community urban forest.
- x. CUF-7.4: Encourage and require tree and plant species diversity by promoting the "Required Tree Species List" and an approved "Landscape Plant List".
- xi. CUF-10.2: Require tree and plant retention in all new residential development.
- xii. CUF-13.2: Require planting of trees and plants near all new commercial and industrial buildings and associated paved areas.
- xiii. CUF-14: To select appropriate trees and plants for retention and planting at the time of development, including native species.
- xiv. CUF-14.3: Require developers to enlist the services of an appropriate qualified professional, i.e. certified arborist, landscape designer or landscape architect during site design, during site work, tree and plant retention and installation to ensure property methods are used for projects other than an individual single family residence.
- xv. CUF14.4: Develop tree and other vegetation planting standards that include proper site preparation methods and appropriate bonding provisions for required landscaping.
- xvi. CUF-16: To preserve and enhance a distinctive tree canopy on the valley walls of the City.

2. The amendment is consistent with the purposes of this title (Zoning Code).

Comment & Findings:

- a. The amendments are consistent with the general purposes of the Zoning Code. The amendments will add code language and modify definitions that will result in better land use decisions and more effective application of development regulations.
- b. Through creation of the Tree Board, participation in the Tree City USA program, adoption of the Community Urban Forestry Plan, participation in Arbor Day events, restoration of the Sammamish River, the community has stated that Woodinville has a public interest in the protection, enhancement and maintenance of our trees.
- c. The public health, safety and welfare is served by the proposed amendments by providing incentives for the retention of existing trees, provisions for hazardous or nuisance trees, alternative compliance methods, and standardized, consistent permitting.
- d. The benefits of trees, which are spelled out under criteria 3, provide economic, social and aesthetic advantages to the City. The development standards will provide one tool to achieve the City's tree canopy goals. The proposed amendments will be the property owners, and developer's portion of providing for tree canopy coverage in the City of Woodinville. Along with other City programs, all citizens, visitors and business owners will benefit from the proposed regulations.

3. The benefit or avoided cost to the public health, safety and welfare is sufficient to warrant the action.

Comment & Findings:

- a. The proposed amendments are expected to have positive impacts on public health, safety, and welfare.

Ordinance No. 481 Attachment A – Zoning Code & Map Amendment Criteria

- b. The proposed amendments are an implementing tool of the Community Urban Forestry Plan, and are one instrument to achieving the goals and polices within the Plan.
- c. The purpose of the proposed amendments, in WMC 21.15.010, includes the following, which will further the public health, safety and welfare:
 - i. The many benefits of healthy trees and vegetation contribute to Woodinville's quality of life by:
 - a) Minimizing the adverse impacts of land disturbing activities and impervious surfaces such as runoff, soil erosion, land instability, sedimentation and pollution of waterways, thus reducing the public and private costs for stormwater control/treatment and utility maintenance;
 - b) Improving the air quality by absorbing air pollutants, assimilating carbon dioxide and generating oxygen;
 - c) Providing cost-effective protection from severe weather conditions with cooling effects in the summer months and insulating effects in winter;
 - d) Providing visual relief and screening buffers;
 - e) Providing recreational benefits;
 - f) Providing habitat, cover, food supply, and corridors for a diversity of fish and wildlife; and
 - g) Providing economic benefit by enhancing local property values and contributing to the region's natural beauty, aesthetic character, and livability of the community.
- d. The intent of the proposed amendments, will further the public health, safety and welfare by including provisions that will:
 - i. Maintain and enhance canopy coverage provided by native trees for their benefits;
 - ii. Preserve and enhance the City of Woodinville's environmental, economic, and community character with mature landscapes;
 - iii. Promote site planning, building, and development practices that work to avoid removal or destruction of native trees, groves of trees, and the understory of trees and that avoid unnecessary disturbance to the City's natural vegetation;
 - iv. Mitigate the consequences of required tree removal in land development through on- and off-site native tree replacement with the goals of halting loss and enhancing Woodinville's tree canopy to achieve an overall healthy tree canopy cover of 40 percent city-wide over time;
 - v. Encourage tree retention efforts by allowing flexibility with respect to certain other development requirements;
 - vi. Implement the goals and objectives of the City's Comprehensive Plan;
 - vii. Implement the goals and objectives of the State Environmental Policy Act (SEPA).
- e. The City of Woodinville is a Tree City USA, and is committed to increasing recognition and education on the benefits and importance of the City's tree canopy

ZCA09006 - Housekeeping Amendments

Zoning Code Amendment ZCA09006 to clearly reflect adopted policy as well as: correct text and context; add cross references and definitions; eliminate typographical errors; and make minor changes for clarification purposes is consistent with the applicable criteria contained in WMC 21.46.030 pursuant to the following comments and findings:

1. The (proposed) amendments are consistent with the purposes of the Comprehensive Plan.
Comment & Finding: The proposed Amendments correct errors, update and add mandatory language and amend the development and zoning codes to further implement the Comprehensive Plan. Amendments include adding definitions and regulations to add clarity and ensure consistency in regulating land uses in accordance with the purposes of the Comprehensive Plan.
2. The (proposed) amendments are consistent with the purposes of this title (Zoning Code).

Ordinance No. 481 Attachment A – Zoning Code & Map Amendment Criteria

Comment & Finding: The amendments are consistent with the general purposes of the Zoning Code. The amendments will clarify code language and add definitions resulting in better land use decisions and more effective application of development regulations.

3. The benefit or avoided cost to the public health, safety and welfare is sufficient to warrant the action (proposed amendments).

Comment & Finding: The proposed amendments are expected to have positive impacts on public health, safety, and welfare.

ZCA09007 – Antique/Secondhand Shops

Zoning Code Amendment ZCA09006 to amend the definition chapter of the Zoning Code (WMC 21.06) to provide separate definitions for “antique/collectable shops” “collectable shops” and “secondhand/used merchandise shops” and amend WMC 21.08.070A to provide separate Specific Land Use Categories for said uses (shops) is consistent with the applicable criteria contained in WMC 21.46.030 pursuant to the following comments and findings:

1. The amendments are consistent with the purposes of the Comprehensive Plan.

Comment & Finding: The proposed Amendments are consistent with the purposes of the Comprehensive Plan by providing for appropriate development in the Tourist District that attracts tourist pursuant to Policy LU – 4.3 and in regulating land uses in accordance with the purposes of the Comprehensive Plan.

2. The (proposed) amendments are consistent with the purposes of this title (Zoning Code).

Comment & Finding: The amendments are consistent with the general purposes of the Zoning Code. The amendments will encourage tourist related uses in the TB (tourist Business) zone and limit nonresidential uses to those retail activities that serve the everyday needs of the tourist industry and nearby residential area pursuant to WMC 21.04.090.

3. The benefit or avoided cost to the public health, safety and welfare is sufficient to warrant the action (proposed amendments).

Comment & Finding: The proposed amendments are expected to have positive impacts on public health, safety, and welfare by providing a separation between tourist and non-tourist related retail activity, which in turn serves to implement the intent and purpose of the Tourist District Master Plan and the applicable goals and polices of the Comprehensive Plan.

ZCA09018 Tourist District Overlay/Industrial Zone permitted Uses Update

Zoning Code Amendment ZCA09018 to amend the Zoning Code Permitted Land Use charts to allow stand alone tasting rooms and distillers in the Industrial zone is consistent with the applicable criteria contained in WMC 21.46.030 pursuant to the following comments and findings submitted by the applicant:

1. The (proposed) amendments are consistent with the purposes of the Comprehensive Plan.

Comment & Finding: The proposed Amendments implement a Council decision to expand the Tourist District Overlay on the Comprehensive Plan Future Land Use Map. The proposed amendments would make the Zoning Map consistent with the Future Land Use Map and would allow additional tourism-related development in the City. Additionally, it aims to keep existing businesses within the expansion area within the City by maintaining their permitted use status. The amendments also expand the variety of industrial uses allowed by allowing distilleries to operate in the same way that wineries and breweries are permitted. The addition of tasting rooms as a conditional use permit in the Industrial zone aims to allow a variety of tourism services while also making them compatible with the surrounding industrial uses and the industrial character of land development.

Ordinance No. 481 Attachment A – Zoning Code & Map Amendment Criteria

2. The (proposed) amendments are consistent with the purposes of this title (Zoning Code).
Comment & Finding: The amendments are consistent with the purposes of the Zoning Code. The amendments would limit the impact of expanding non-industrial uses within the Industrial zone, while also providing opportunity for economic development and employment within the City. It would also acknowledge what is already occurring. Buildings that would otherwise have remained vacant are able to have non-traditional tenants and create a centralized mix of production and non-production tasting locations.
3. The benefit or avoided cost to the public health, safety and welfare is sufficient to warrant the action (proposed amendments).
Comment & Finding: The proposed amendments are expected to have positive impacts on public health, safety, and welfare. The amendments would expand opportunity for businesses to locate in Woodinville, for tourists to visit and for jobs to be created. The impacts of the additional uses are mitigated by additional permitting requirements and traffic and parking review.

WMC 21.44.070 Required Findings for Zoning Map Amendment

ZMA09002 Tourist District Overlay Expansion Zoning Map Amendment

Zoning Map Amendment ZMA09002 to amend the Zoning Map to extend the Tourist District Overlay to additional Industrial (I) zoned land along Wood-Red Road (SR 202) is consistent with the applicable criteria contained in WMC 21.46.030 pursuant to the following comments and findings submitted by the applicant:

Consistent with the Comprehensive Plan and applicable functional plans.

Comment & Finding: The Comprehensive Plan Future Land Use Map shows the proposed expansion area with the Tourist District Overlay applied. The amendment to the Zoning Map would make these two maps consistent.

- (1) There is a demonstrated need for additional zoning as the type proposed.

Comment & Finding: There has been a dramatic increase in the interest of tourist-related businesses that wish to locate within the City of Woodinville. This map amendment will make additional land available for this type of development.

- (2) The zone reclassification is consistent and compatible with uses and zoning of the surrounding properties.

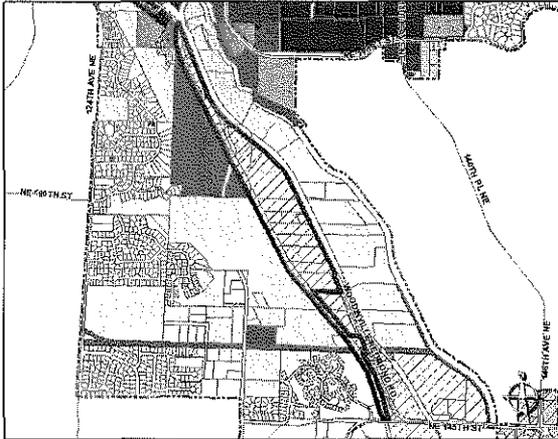
Comment & Finding: This proposed amendment will allow additional land available for tourist-related development. At the same time, it attempts to preserve the remaining heavy industrial areas from intrusion by the incompatible non-industrial users. This area is appropriate for expansion because of the types of existing businesses that are currently located there. There are a few manufacturing uses, but there is also additional non-industrial uses, including veterinary hospitals, Vespa dealerships, car repair, and office parks. There is also additional vacant land that could see tourist-related development.

- (3) The property is practically and physically suited for the uses allowed in the proposed zone reclassification.

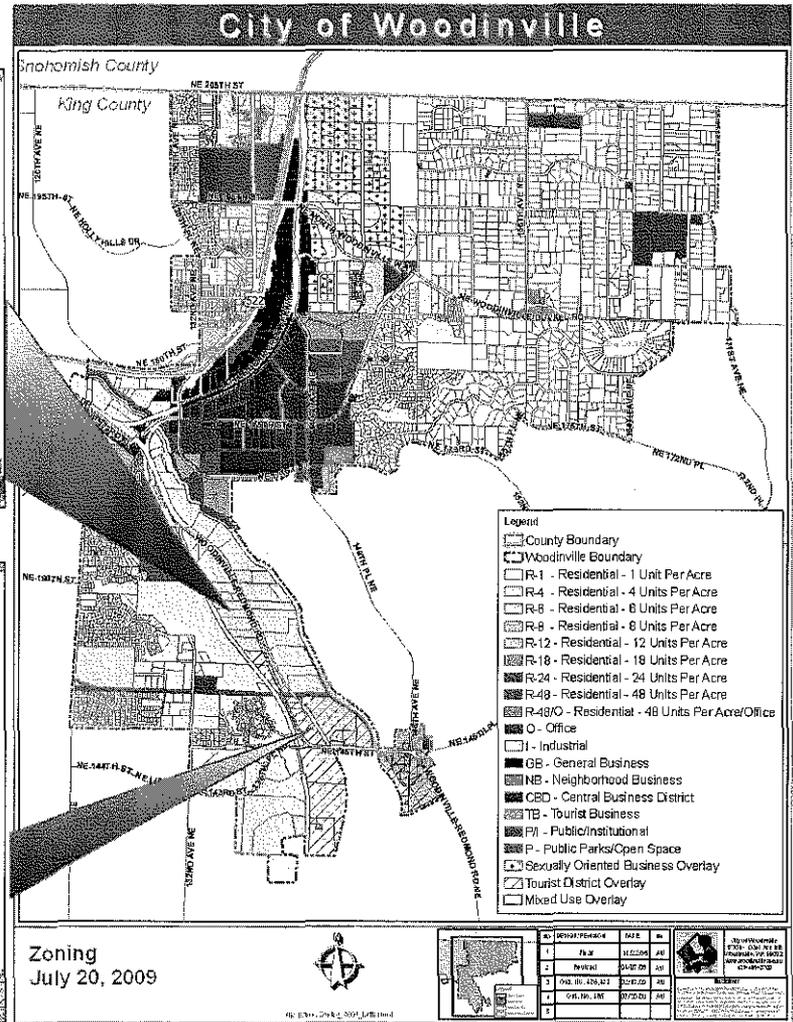
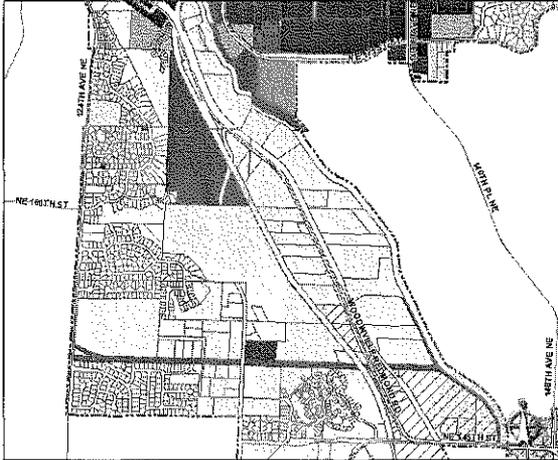
Comment & Finding: The proposed zoning map amendment to expand the Overlay on the west side of Woodinville-Redmond Road is an appropriate place for the expansion because it could provide a buffer between the heavy industrial users on the east side of Woodinville-Redmond Road and the residential users farther to the west of the expansion area. It meets the needs of the tourism-related uses that seek to come to Woodinville without abandoning the traditional industrial users within the City and forcing them out of the City.

ZMA09002 Tourist District Overlay Zoning Map Amendment

Proposed Tourist District Overlay Expansion Area (ZMA09002, Ord.# 481)



Current Tourist District Overlay



Ordinance No. 481 – Attachment C

WMC 21.08.040A. RECREATIONAL/ CULTURAL LAND USE KEY P – PERMITTED USE C – CONDITIONAL USE S – SPECIAL USE		Z O N E										
		Residential				Commercial/Industrial/Public						
		L o w	M o d e r a t e	M e d i u m	H i g h	N e i g h b o r h o o d	T o u r i s t B u s i n e s s	G e n e r a l B u s i n e s s	C e n t r a l B u s i n e s s	O f f i c e	I n d u s t r i a l	P u b l i c
NAICS#		R1-4	R5-8	R9-18	R19+	NB	TB	GB	CBD	O	I	P/I
	Park / Recreation											
*	Parks	P1	P1	P1	P1	P1	P1	P	P		P	P
*	Trails	P	P	P	P	P	P	P	P		P	P
*	Destination resorts								C2			
*	Marina			C4	C4		P5	P	P		P	
	Amusement/Entertainment:											
512131	Theater							P6	P6			
512132	Theater, drive-in							C6	C6			
711110 711130	Plays / Theatrical production								P6			
71395	Bowling center							P				
* 71394	Sports club	C4	C4	C4	C4		C	P	P		C	
71391 *	Golf facility	C7	C7	C7	C7			P				
71391	Golf driving range							P7				
*	Shooting range							P10				
71312 *	Amusement Arcades						P	P	P			
71311	Amusement park							P	C			
*	Outdoor performance center						S	S	S			
*	Indoor batting cage facility										C13	
*	Indoor go-cart facility							P14				
	Cultural:											
51412	Library	P11, C	P11, C	P11, C	P11, C		P		P			P3
71211	Museums and Art Galleries	P11, C	P11, C	P11, C	P11, C		P		P		P	P3
71213	Arboretum	P	P	P	P		P		P			P3
81311	Churches, temples and, synagogues	P12, C	P12, C	P12, C	P12, C		P	P	P			P15
*	Civic Center											P
*	Community Center											P
*	Conference Center	P11, C	P11, C	P11, C	P11, C				P			

GENERAL CROSS REFERENCES:
 Land Use Table Instructions, see WMC 21.08.020 and 21.02.070
 Development Standards, see WMC 21.12.through 21.30
 General Provisions, see WMC 21.32 through 21.38

Application and Review Procedures, see WMC 21.40 through 21.44
 Tourist District Regulations, see WMC 21.38.065
 R-48/O Regulations, see WMC 21.28.030
 (*) Definition of the specific Land Use, see WMC 21.06

Ordinance No. 481 - Attachment D

WMC 21.08.070A. RETAIL LAND USE KEY P - PERMITTED USE C - CONDITIONAL USE S - SPECIAL USE		Z O N E										
		Residential				Commercial/Industrial/Public						
		Low	Mod- erate	Med- ium	High	Ne- igh- bor- hood	Tour- ist Busi- ness	Gen- eral Busi- ness	Cent- ral Busi- ness	Off- ice	Ind- us- trial	Pub- lic In- sti- tution
NAICS#		R1-4	R5-8	R9-18	R19+	NB	TB	GB	CBD	O	I	P/I
*	Building, Hardware and Garden Materials					P2	P	P	P			
*	Forest Products Sales										P	
*	Department and Variety Stores						P5	P	P			
445	Food Stores					P	P	P	P			
*	Agricultural Crop Sales	P3, 7										
*	Motor Vehicle and Boat Dealers							P	P8			
4413	Auto Supply Stores							P9				
4471	Gasoline Service Stations					P	P	P	P12			
448	Apparel, Jewelry and Accessory Stores					P	P		P			
*	Furniture and Home Furnishings Stores						P21	P	P			
722	Eating and Drinking Places					P10 P16	P10 P16	P	P12	P17	P6	P1
*	<u>Tasting Room</u>						<u>P</u>	<u>P</u>	<u>P12</u>		<u>P26</u> <u>C25</u>	
*	Drug Stores					P23	P	P	P	P18 19		P13
44531	Liquor Stores					P24		P	P			
45331	Used Goods: Antiques/Secondhand Shop					P	P4		P			
*	<u>Antique/Collectable Shops</u>					<u>P</u>	<u>P4</u>		<u>P</u>			
*	<u>Collectable Shops</u>					<u>P</u>			<u>P</u>			
*	<u>Secondhand/Used Merchandise Shop</u>					<u>P</u>			<u>P</u>			
*	Sporting Goods & related Stores					P	P	P	P			
*	Book, Stationary, Video and Art Supply Stores					P	P11		P11			
*	Monuments, Tombstones, and Gravestones							P			P	
*	Hobby, Toy, Game Shops					P	P		P			
*	Photographic and Electronic Shops					P	P		P			
*	Fabric Shops					P	P		P			
45431	Fuel Dealers							P			P	
*	Florist Shops					P	P		P			P13

Ordinance No. 481 - Attachment D

NAICS#		R1-4	R5-8	R9-18	R19+	NB	TB	GB	CBD	O	I	P/I
*	Personal Medical Supply Stores					C			P			
*	Pet Shops					P	P		P			
*	Bulk Retail							P	P12			
*	Auction Houses							P			P	
4412	Truck & Motorhome Dealers (14)							P			P	
*	Auto Parts Yard										P20	
*	Sexually Oriented Businesses (15)							P11			P11	
*	Gift Shops					P	P		P			P13
GENERAL CROSS REFERENCES:						Application and Review Procedures, see WMC 21.40 through 21.44						
Land Use Table Instructions, see WMC 21.08.020 and 21.02.070						Tourist District Regulations, see WMC 21.38.065						
Development Standards, see WMC 21.12 through 21.30						R-48/O Regulations, see WMC 21.28.030						
General Provisions, see WMC 21.32 through 21.38						(*) Definition of the specific Land Use, see WMC 21.06						

Ordinance No. 481 - Attachment E

<p style="text-align: center;">WMC 21.08.080</p> <p style="text-align: center;">A.</p> <p style="text-align: center;">MANUFACTURING LAND USE</p> <p><u>KEY</u> P – PERMITTED USE C – CONDITIONAL USE S – SPECIAL USE</p>		Z O N E										
		Residential				Commercial/Industrial/Public						
		L o w	M o d e r a t e	M e d i u m	H i g h	N e i g h b o o r h o o d	T o u r i s t D i s t r i c t	G e n e r a l	C e n t r a l	O f f i c e	I n d u s t r i a l	P u b l i c
NAICS#		R1-4	R5-8	R9-18	R19+	NB	TB	GB	CBD	O	I	P/I
311	Food and Kindred Products								C		P2	
31212 31213	Winery/ Brewery / <u>Distillery</u>								C		P	
313	Textile Mill Products										P	
315	Apparel and other Textile Products								C		P	
321	Wood Products, except furniture								C6		P	
337	Furniture and Fixtures								C		P	
322	Paper and Allied Products										P	
511	Printing and Publishing					P7	P7	P7	P7		P	
325	Chemicals and Allied Products										P	
32411	Petroleum Refining and related Industries										C	
3261 3262	Plastics and Rubber Products Manufacturing										P	
326212	Tire Retreading										C	
316	Leather and Leather Goods							C			P	
3271 - 3279	Stone, Clay, Glass and Concrete Products							P9			P	
331	Primary Metal Industries										C	
332	Fabricated Metal Products										P	
333	Industrial and Commercial Machinery, Heavy Machinery and Equipment										P, C	
334	Computer and Office Equipment, Measuring and Controlling Instruments							C			P	
335	Electronic and other Electric Equipment and Appliances							C			P	
336	Transportation Equipment Manufacturing										C	
339	Miscellaneous Light Manufacturing										P	
*	Motor Vehicle and Bicycle Manufacturing										C	
*	Aircraft, Ship and Boat Building										P10 C	
51211	Movie production/Distribution							P			P	
*	Accessory Use Commercial/Industrial										P12 13	

GENERAL CROSS REFERENCES:
 Land Use Table Instructions, see WMC 21.08.020 and 21.02.070
 Development Standards, see WMC 21.12.through 21.30
 General Provisions, see WMC 21.32 through 21.38

Application and Review Procedures, see WMC 21.40 through 21.44
 Tourist District Regulations, see WMC 21.38.065
 R-48/O Regulations, see WMC 21.28.030
 (*) Definition of the specific Land Use, see WMC 21.06

**CHAPTER 21.15 DEVELOPMENT STANDARDS
TREE PROTECTION**

SECTIONS:

- 21.15.010 Purpose and Intent.**
- 21.15.020 Applicability – Permit Required.**
- 21.15.030 Exemptions**
- 21.15.040 Alternative Compliance**
- 21.15.050 City Tree Fund**
- 21.15.060 Tree Plans, Review Procedures, and Tree Typing**
- 21.15.070 Tree Density**
- 21.15.080 Tree Protection During Construction**
- 21.15.090 Installation Standards for Required Plantings**
- 21.15.100 Tree Maintenance Requirements**
- 21.15.110 Prohibited Vegetation**
- 21.15.120 Enforcement and Penalties**

21.15.010 Purpose and Intent.

- (1) Trees are important elements of the physical environment. They are integral to Woodinville's community character and protect public health, safety, and general welfare. Protecting, enhancing, and maintaining healthy trees, groves of trees and vegetation are key community values. The City's goal is to achieve an overall tree canopy coverage of 40 percent for the community. The many benefits of healthy trees and vegetation contribute to Woodinville's quality of life by:
 - (a) Minimizing the adverse impacts of land disturbing activities and impervious surfaces such as runoff, soil erosion, land instability, sedimentation and pollution of waterways, thus reducing the public and private costs for stormwater control/treatment and utility maintenance;
 - (b) Improving the air quality by absorbing air pollutants, assimilating carbon dioxide and generating oxygen;
 - (c) Providing cost-effective protection from severe weather conditions with cooling effects in the summer months and insulating effects in winter;
 - (d) Providing visual relief and screening buffers;
 - (e) Providing recreational benefits;
 - (f) Providing habitat, cover, food supply, and corridors for a diversity of fish and wildlife; and
 - (g) Providing economic benefit by enhancing local property values and contributing to the region's natural beauty, aesthetic character, and livability of the community.
- (2) Tree removal in urban areas has resulted in the loss to the public of these benefits. The purpose of this chapter is to establish processes and standards to provide for the retention, protection, preservation, replacement, proper maintenance, and use of significant trees and woodlands located in the City of Woodinville. The intent of this chapter is to:
 - (a) Maintain and enhance canopy coverage provided by native trees for their benefits;
 - (b) Preserve and enhance the City of Woodinville's environmental, economic, and community character with mature landscapes;

- (c) Promote site planning, building, and development practices that work to avoid removal or destruction of native trees, groves of trees, and the understory of trees and that avoid unnecessary disturbance to the City's natural vegetation;
- (d) Mitigate the consequences of required tree removal in land development through on- and off-site native tree replacement with the goals of halting loss and enhancing Woodinville's tree canopy to achieve an overall healthy tree canopy cover of 40 percent city-wide over time;
- (e) Encourage tree retention efforts by allowing flexibility with respect to certain other development requirements;
- (f) Implement the goals and objectives of the City's Comprehensive Plan;
- (g) Implement the goals and objectives of the State Environmental Policy Act (SEPA).

21.15.020 Applicability.

- (1) Permit Required. No person shall directly or indirectly conduct any of the activities listed below before first obtaining a tree removal permit as provided in this chapter unless the activity is exempted in WMC 21.15.030. Permits shall be processed as described WMC 21.15.060(5).
 - (a) Removal any significant tree as defined in WMC 21.06 on any property.
 - (b) Removal of nonsignificant trees, between 2" and 6" that have a combined diameter-at-breast-height of 40 inches or the equivalent of 10 tree credits, within a 12-month period.
- (2) Tree Density Compliance. Any new development or redevelopment that results in an addition, alteration or repair that adds square footage equal to or greater than twenty-five percent of the existing square footage, or has construction costs of an amount equal to or greater than twenty-five percent of the assessed value, of the structures on-site, shall fully comply with the tree density requirements in 21.15.070. For tree removals requiring Tree Plan IV and Tree Plan I-Minor, the applicant/property owner shall be required to provide 50 percent greater tree credits than currently exist, or the minimum tree density requirement whichever is less, as described in WMC 21.15.060(3)(a)(iii).

21.15.030 Exemptions

The following activities are exempt from the provisions of this chapter:

- (1) Emergency Tree Removal. Any tree on private, developed property that poses an imminent threat to life or property, due to a storm event such as a windstorm or ice storm, may be removed without first obtaining a permit. The party removing the tree will contact the City within seven days of removal to provide documentation of threat for approval of exemption. If the City Tree Official determines that the emergency tree removal was not warranted, he or she may require that the party obtain a permit and/or require that replacement trees and vegetation be replanted as mitigation, in accordance with WMC 21.15.120(8)(b).
- (2) Utility Management. Trees may be removed by the City or utility provider in situations involving immediate danger to life or property, or interruption of services provided by a utility.
- (3) Commercial Nurseries or Tree Farms. A nursery or tree farm owner may remove trees that are being grown to be sold as Christmas or landscape trees.
- (4) Removal of nonsignificant trees with a diameter-at-breast-height of less than 2 inches.
- (5) Trees within the public right-of-way shall be subject to the requirements of WMC 2.24.

21.15.040 Alternative Compliance

All activities regulated by this chapter shall be performed in compliance with the applicable standards contained in this chapter, unless the applicant demonstrates that alternate measures or procedures will be superior to the provisions of this chapter in accomplishing the purpose and intent of this chapter as described in WMC 21.15.010. Requests to use alternative measures and procedures shall be reviewed by the City Tree Official, who may approve, approve with conditions, or deny the request. Examples include but are not limited to: 1) retention of specimen or heritage trees and groves of trees, 2) use of low impact development techniques, and/or 3) Green Building Design or Leadership in Energy and Environmental Design. The City Tree Official is authorized to establish administrative criteria for alternative compliance. Alternative compliance is intended mainly for those development applications requiring a Tree Plan II, pursuant WMC 21.15.060(3).

21.15.050 City Tree Fund

- (1) Funding Sources. All civil penalties received under this chapter and all money received pursuant to WMC 21.15.070 and WMC 21.15.120 shall be used for the purposes set forth in this section. In addition, the following sources may be used for the purposes set forth in this section:
 - (a) Agreed upon restoration payments imposed under WMC 21.15.120 or settlements in lieu of penalties;
 - (b) Sale of trees or wood from City property where the proceeds from such sale have not been dedicated to another purpose;
 - (c) Donations and grants for tree purposes;
 - (d) Sale of seedlings by the City; and
 - (e) Other monies allocated by the City Council.
- (2) Funding Purposes. The City shall use money received pursuant to this section for the following purposes. The Tree Board shall recommend with each budget to the City Council for approval how the fund will be allocated. Prioritization shall be based on the Urban Forestry Plan.
 - (a) Acquiring, maintaining, and preserving wooded areas within the City;
 - (b) Planting and maintaining trees within the City;
 - (c) Identification and maintenance of heritage trees;
 - (d) Establishment of a holding public tree nursery;
 - (e) Urban forestry education; or
 - (f) Other purposes relating to trees as determined by the City Council.

21.15.060 Tree Plans, Review Procedures, and Tree Typing.

- (1) Introduction. The City requires a tree permit in conjunction with all development permits resulting in site disturbance and with any proposed tree removal on developed sites not exempted by WMC 21.15.030.

In order to make better decisions about tree retention, particularly during all stages of development, tree removal permits will require specific information about the existing trees before removal is allowed. Different levels of detail correspond to the scale of the project or activity. Specific tree plan review standards are provided in this section with the intent of facilitating the preservation of healthy, significant trees.

The City's objective is to retain as many viable trees, groves of trees and the understory as possible on a developing site while still allowing the development proposal to move forward in a timely manner. This objective is intended to retain existing groves of trees in order to meet the citywide goal of 40 percent tree canopy coverage.

(2) Tree Plan Required.

(a) Requirement Established. An applicant for a tree removal permit must submit a tree plan that complies with this section. A qualified tree professional may be required, as determined by the type of Tree Plan described WMC 21.15.060(3), to prepare certain components of a tree plan at the applicant's expense. If proposed development activities call for more than one tree plan level, the tree plan level with the more stringent requirements shall apply; provided, that the City Tree Official may require a combination of tree plan components based on the nature of the proposed development activities. If proposed activity is not clearly identified in this chapter, the City Tree Official shall determine the appropriate tree plan.

(b) Previously Approved Development. Any subdivision or short subdivision that is subject to an approved tree plan that had approval prior to the effective date of this ordinance shall not be subject to the tree retention and plan requirements in this section, except that any requested changes to the previously approved tree plan that results in removal of additional existing trees shall trigger the requirements under this ordinance. The unchanged tree plan approval shall apply to any building or site development permits that are applied for in conformance with the approval of that subdivision or short subdivision.

(3) Tree Plan and Retention Requirements. The following table sets forth the different tree plans required for development activities or removal requests requiring a tree removal permit. Applicants for development subject to Tree Plan II or III are required to attend a Technical Review Committee Meeting prior to submittal, and are strongly encouraged to do so prior to any site design work, so that the applicable tree retention and replacement concepts can be incorporated into the design of the subject property. Each tree plan sets forth the required components and retention standards. The City Tree Official may waive a component for a tree plan, if he or she determines that the information is not necessary due to conditions of the property. For a Tree Plan IV, where a fee is required, the fee shall be paid at permit issuance.

(a) Table 1 Tree Plan Requirements.

(i) TYPE OF PLAN REQUIRED

Requirement	Tree Plan I	Tree Plan II	Tree Plan III	Tree Plan IV
Type of project	<p>Required for any permits* for one or two dwelling units on individual lot.</p> <p>For individual lots of a subdivision or short subdivision with an approved Tree Plan III, the Tree Plan III requirements shall be applied to the individual lots and no new Tree Plan I will be required.</p>	<p>Required for any permits* for three or more detached dwelling units; or any use other than residential.</p> <p><u>For permits* to existing buildings where the cost of construction exceeds the applicability requirements of WMC 21.15.020(2), the requirements of Tree Plan I-Minor shall apply.</u></p>	Required for new residential subdivisions or short subdivisions and related site development permit applications.	<p>Required for tree removal on a property on which no development activity is proposed or in progress.</p> <p>Activity requiring a Tree Plan IV includes but is not limited to: requests to remove healthy tree; requests to remove hazard or nuisance tree removal not exempt under WMC 21.15.030; and tree removal in areas dedicated to ensure protection of vegetation, critical areas and their buffers, including NGPE's. The plan can be developed by the applicant but may require assistance of a qualified tree professional.</p>
Major and Minor	Tree Plan I – Major shall be required for new development, redevelopment, or development in which the total square footage of the proposed improvements is more than 25 percent of the total square footage or	N/A	N/A	N/A

Requirement	Tree Plan I	Tree Plan II	Tree Plan III	Tree Plan IV
	<p>assessed value of the existing improvements on the subject property.</p> <p>Tree Plan I – Minor shall be required for all proposed development activities and site disturbance for which Tree Plan I – Major does not apply.</p>			

* Tree Plan I or II is required for any permits that will result in site disturbance or exceed the compliance requirements in WMC 21.15.020(2)

(ii) PLAN REQUIREMENTS

Requirement	Tree Plan I	Tree Plan II	Tree Plan III	Tree Plan IV
1) Tree Location	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> (Must be surveyed)	<input checked="" type="checkbox"/> (Must be surveyed)	<input checked="" type="checkbox"/> (If more than 2 trees cut)
2) Tree Inventory	<ul style="list-style-type: none"> • Size in DBH • Species • General health 	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Size in DBH • Species
3) Site Plan	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> (If more than 2 trees cut)
4) Planting Plan	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
5) Tree protection measures	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
6) Tree density calculations	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
7) Preservation and maintenance agreement		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
8) Other Requirements	1) For Tree Plan I – Major, assessment by a			1) A property owner may remove up to two <u>healthy</u>

Requirement	Tree Plan I	Tree Plan II	Tree Plan III	Tree Plan IV
	<p>qualified tree professional shall be required if any significant trees are in required yards, within 10 feet of any side property line on the subject property, or within 10 feet of the building footprint</p> <p>2) For Tree Plan I – Minor, the above tree information shall be required only for trees potentially impacted by proposed development activity, and surveyed tree locations shall not be required.</p> <p>3) For lots from a subdivision or short subdivision, with an approved Tree Plan III, the tree information shall be transferred over and the applicant must comply with the applicable Tree Plan III requirements.</p>			<p>significant trees from their property within a 12-month period under a Tree Plan IV. <u>Sites with existing development larger than 2 acres may remove up to 2 healthy trees per acre within a 12-month period.</u></p> <p>There is no limit on the number of hazard trees that may be removed; however, additional non-hazard trees may not be cut within the 12-month period if two or more hazard trees are removed.</p> <p>2) An arborist report will be required, explaining how the tree(s) fit the criteria in this section, if removal is based on nuisance or hazard and the nuisance or hazard condition is not obvious. A qualified tree professional that provides the arborist report for hazard or nuisance trees shall be certified in tree risk assessment.</p> <p>3) For nuisance or hazard trees in critical areas or their buffers, the planting plan must</p>

Requirement	Tree Plan I	Tree Plan II	Tree Plan III	Tree Plan IV
				<p>propose action to mitigate the hazard or nuisance in accordance to standards set forth in this section.</p> <p>4) Tree removal on undeveloped property shall be approved only for hazard or nuisance trees pursuant to the criteria in this section. The tree removal exemptions in WMC 21.15.030 are not applicable to undeveloped property.</p> <p>5) If the removal request will result in a tree density below the required tree density in this section, tree replacement is required as set forth in this section.</p> <p><u>6) For removal of hazard or nuisance trees, the tree inventory information required to be submitted shall be completed within 2 weeks of permit issuance. Any required replanting shall occur within twelve months of permit issuance.</u></p>

1) *Location* of significant trees and their measured driplines and critical root zone, including those on abutting property whose driplines extend over subject property, shown on a map. A survey may be required for a Tree Plan I where an existing tree would be impacted by potential buildings.

2) A *tree inventory* prepared by a qualified tree professional must include: a) a numbering system of existing significant trees (with corresponding tags on trees), b) measured driplines, c) size (diameter-at-breast-height), d) species and tree status (removed or retained) based on Tree Type criteria in this section for all significant trees. The inventory shall include approximate trunk location and measured dripline of significant trees that are on abutting property with driplines extending over the subject property line. A *report* from a qualified tree professional with tree risk assessment certification shall accompany the tree inventory, and include: a) an indication, for each tree, of whether it is proposed to be retained or removed, based on health, risk of failure and suitability of species; b) limits of disturbance around viable trees; c) special instruction for work within their critical root zone; and d) location and type of protection measures for these trees, d) species ratings (0-100%) according to the most current published edition of the International Society of Arboriculture’s “Guide for Plant Appraisal”.

3) A *site plan* using the information from the tree survey, inventory and report, showing the: a) proposed development activity; b) location and limits of disturbance of viable trees to be retained according to the tree inventory and report; and c) trees being removed for proposed development or trees being removed that are not viable. If a tree inventory is not required, the site plan must show the approximate location of significant trees, their size (diameter-at-breast-height) and their species, along with the location of structures, driveways, access ways and easements. The plan shall include size (diameter-at-breast-height), species, and condition of each tree. For large undeveloped sites or tree removal within NGPE’s with a Tree Plan IV, the plan must only show the surrounding trees that would be impacted by the tree removal. Identification of trees to be removed should be indicated, including reasons for their removal and a description of removal techniques pursuant to this section.

4) For required replacement trees, a *planting plan* must be submitted showing location, size and species of the new trees in accordance to standards set forth in this section.

5) A description and location of tree protection measures during construction for trees to be retained must be shown on demolition, drainage and grading plans. Protection measures must be in accordance with this 21.15.080.

6) Prior to permit approval, the applicant shall provide a plan showing *tree density calculations* pursuant to this section, retained trees, trees to be removed, and any required supplemental trees to meet the minimum density.

7) The applicant shall submit a *preservation and maintenance agreement* pursuant to WMC 21.15.100, for approval prior to occupancy, recording or final inspection.

(iii) TREE DENSITY REQUIREMENTS

Requirement	Tree Plan I	Tree Plan II	Tree Plan III	Tree Plan IV
Tree Density Requirements	The minimum tree density shall apply to the site to Tree Plan I – Major. Tree Plan I-Minor shall provide either the lesser of the minimum tree density, or 50%	The minimum tree density shall apply to all Tree Plan II. <u>Tree Plan II for tenant improvements to existing buildings where the applicability</u>	The minimum tree density shall apply to all Tree Plan III.	Tree Plan IV shall provide either the lesser of the minimum tree density or 50% greater tree credit than currently exists if the site is nonconforming. If the <u>size site</u>

	<p>greater tree credit than currently exists if the site is nonconforming. If the <u>size-site</u> currently has zero credits, a total of <u>10 credits or 10 credits per acre</u> will be required.*</p>	<p><u>requirements of WMC 21.15.020(2) are exceeded, shall provide either the lesser of the minimum tree density or 50% greater tree credit than currently exists if the site is nonconforming. If the size currently has zero credits, a total of 10 credits or 10 credits per acre will be required.*</u></p>		<p>currently has zero credits, a total of <u>10 credits or 10 credits per acre</u> will be required.*</p>
--	---	---	--	---

* 50 percent greater tree credits: Tree credits currently provided x 1.5 = required tree credits

(4) Qualified Tree Professional Reports. Reports prepared by a qualified tree professional shall contain the following information, unless waived by the City Tree Official. In cases where the City Tree Official does not agree with the qualified tree professionals determination, the City Tree Official may seek a third party review, to be reimbursed by the applicant according to the City's current fee schedule. For all permits and approvals requiring a report prepared by a qualified tree professional, the costs of the services of the professional shall be paid by the applicant.

- (a) A complete description of each tree's health and viability. If a tree is not viable for retention, the reason(s) must be soundly based on health, high risk of failure due to structure, defects, unavoidable isolation (windfirmness), or suitability of species and for which no reasonable alternative action is possible (pruning, cabling, etc.). The impact of necessary tree removal to remaining trees, including those in a grove or on adjacent properties, must also be discussed.
- (b) The location of limits of disturbance around all trees potentially impacted by site disturbances and any special instructions for work within that protection area (hand-digging, tunneling, root pruning, maximum grade change, etc.).
- (c) For development applications, a discussion of timing and installation of tree protection measures that must include fencing and be in accordance with the tree protection standards as outlined in this section.
- (d) The suggested location and species of supplemental trees to be used when required. The report shall include planting and maintenance specifications pursuant to WMC 21.15.090 and WMC 21.15.100.

(5) Tree Plan Review Procedure and Appeals.

- (a) When an applicant proposes a development activity or project that requires a Tree Plan Level I, II or III, the tree plan shall be reviewed as part of the applicable permit application or process.
- (b) Applicants for a Level IV tree plan must submit a completed permit application on a form provided by the City. Within 21 calendar days, the City Tree Official shall review

the application and either approve, approve with conditions or modifications, deny the application, or request additional information. Any decision to deny the application shall be in writing along with the reasons for the denial and the appeal process. For level IV tree plans for removal of hazard or nuisance trees, the City Tree Official shall review the application and either approve, approve with conditions or modifications, deny the application, or request additional information, within 5 days of submittal. Any additional information needed for tree inventory information not available at permit submittal or for replanting requirements, the City Tree Official may add these items as condition of approval; the additional information, inventory and a replanting plan shall be submitted within 2 weeks of permit issuance, with all replanting occurring within 12 months of permit issuance.

(c) With respect to Level IV Tree Plans, an applicant may appeal an adverse determination to the Hearing Examiner. A written notice of appeal shall be filed with the Development Services Department within 14 calendar days following the postmark date of distribution of a City Tree Official's decision. The City shall give notice of the hearing pursuant to WMC 17.09. The applicant shall have the burden of proving that the City Tree Official made an incorrect decision. Based on the Hearing Examiner's findings and conclusions, he or she may affirm, reverse or modify the decision being appealed. The decision of the Hearing Examiner may be reviewed in County Superior Court using the standards set forth in RCW 36.70C.130. The land use petition must be filed within 21 calendar days of the issuance of the final land use decision by the Hearing Examiner.

(6) Tree Plan Review Standards.

(a) Site Design for Development. Tree retention shall be pursuant to this chapter; provided that such tree retention may use the priority trees listed below and may apply for alternative compliance under WMC 21.15.040. Tree plans shall comply with all other tree retention requirements in the Municipal Code, including but not limited to those in WMC 21.24, Critical Areas.

(i) Tree Retention Standards.

1) Based on the Tree Plan information submitted by the applicant, the applicant's qualified tree professional, and the City Tree Official's evaluation of the trees and proposed development on subject property, the City Tree Official will designate each tree as a Type 1, 2 or 3 Tree according to the criteria below. The priority shall be that Type 1 trees are preserved as far as is practicable.

2) Table 2 - Tree Types.

Type 1 Tree	Type 2 Tree	Type 3 Tree
<p>A viable tree that is determined to be healthy and windfirm by a qualified tree professional, and provided the trees can be safely retained when pursuing alternatives to development standards, and meets at least one of these criteria:</p> <p>a) Heritage trees; b) Specimen trees; c) Tree groves and associated vegetation that are to be set aside as</p>	<p>A viable tree that is to be retained if feasible.</p>	<p>A tree that is either (1) not viable or (2) is in an area where removal is unavoidable due to the anticipated development activity.</p>

<p>preserved groves pursuant to WMC 21.15.100;</p> <p>d) Wildlife habitat regulated under WMC 21.24.410-.440;</p> <p>e) Trees in geologically hazardous areas as regulated under WMC 21.24.290-.310;</p> <p>f) Trees that are more than 75 years old or have a diameter-at-breast-height of at least 3020 inches; or</p> <p>g) Trees that are a part of a grove that extends into abutting property, such as in a public park, open space, sensitive area buffer or otherwise preserved group of trees on adjacent private property. If significant trees must be removed in these situations, an adequate buffer of trees may be required to be retained or planted on the edge of the remaining grove to help stabilize the remaining trees.</p>		
---	--	--

- 3) 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 hazard or nuisance tree. Hazard or nuisance trees may be felled to prevent hazardous conditions.
 - (ii) Incentives and Variations to Development Standards. In order to retain trees, the applicant should pursue provisions in Woodinville’s codes that allow development standards to be modified. The City Tree Official, Public Works Director, Parks & Recreation Director and Fire Marshall may review and recommend to the City Council what development standards may be modified to retain existing trees.
 - (iii) Additional Variations. In addition to the variations described above, the City Tree Official is authorized to require site plan alterations to retain Type 1 trees. Such alterations include minor adjustments to the location of building footprints, parking, driveways and access ways, and/or walkways, easements or utilities.
- (b) Nuisance Tree Criteria. A qualified tree professional with tree risk assessment certification shall provide documentation that a nuisance tree meets the following criteria. The City Tree Official may waive the requirement for such documentation when he/she determines that the criteria have clearly been met.
 - (i) Tree is causing obvious, physical damage to private or public structures, including but not limited to: sidewalk, curb, road, driveway, parking lot, building foundation or roof;
 - (ii) Tree has been damaged by past maintenance practices that cannot be corrected with proper arboricultural practices;

- (iii) Tree is predisposed to fungus diseases, or chronic diseased tree, that would require annual spraying;
- (iv) There is overcrowding or overplanting; or
- (v) The problems associated with the tree must be such that they cannot be corrected by any other reasonable practice, including but not limited to the following:
 - 1) Pruning of the crown or roots of the tree.
 - 2) Small modifications to the site including but not limited to moving a driveway, parking lot, patio or sidewalk to alleviate the problem.
 - 3) Pruning, bracing, or cabling to reconstruct a healthy crown.
- (c) Hazard Tree Criteria. A qualified tree professional with tree risk assessment certification shall provide documentation that a hazard tree meets the following criteria. The City Tree Official may waive the requirement for such documentation when he/she determines that the criteria have clearly been met.
 - (i) The tree must have a combination of structural defects and/or disease which makes it subject to a high probability of failure and is in proximity to moderate-high frequency of persons or property; and
 - (ii) The hazard condition of the tree cannot be lessened with reasonable and proper arboricultural practices nor can the persons or property be removed.
- (d) Trees in Critical Areas or Critical Area Buffers. The intent of preserving vegetation in and near streams and wetlands and in geologically hazardous areas is to support the functions of healthy critical areas and their buffers and/or avoid disturbance of geologically hazardous areas (see WMC 21.24). The property owner must submit a Level IV Tree Plan to City Development Services Department to trim or fell any tree from a critical area or critical area buffer. If a tree is considered a nuisance or hazard in a critical area or its buffer, the priority action is to create a "snag" or wildlife tree with the subject tree. If creation of a snag is not feasible, then the felled tree shall be left in place unless the City Tree Official permits its removal in writing. The felling of any tree will require the replanting of an equivalent amount of tree credits in conformance with the tree planting requirements of WMC 21.15.070(2), which may be modified by the City Tree Official based on the recommendation of a qualified tree professional, if: 1) the lesser number of tree credits will provide equal or better functionality in the critical area; 2) there is a minimum replanting of 50% of the required tree credits; 3) a coverage analysis is submitted stating that the replanted trees will have equal or better coverage than the trees removed within 5 years; 4) understory plantings are also installed; 5) a replanting site plan is submitted, reviewed and approved. Replanted trees and shall be planted in proximity to where the felled tree was located. Selection of native species is required, replanting the same species as the removed trees is preferred, and timing of installation shall be approved by the City Tree Official. If more than two trees are removed, the City Tree Official may require an approval pursuant to 21.24 regarding alteration of critical areas.
- (e) Trees Located in Residential Subdivisions Under Common Ownership, Excluding Critical Areas or Critical Area Buffers. The property owner must submit a Level IV Tree Plan to the City to fell any tree owned in common. The felling of any tree located in areas owned commonly shall have the option of either: 1) replanting an equal number of tree credits in conformance with the tree planting requirements of WMC 21.15.070(2); or 2) providing a tree inventory documenting that the tree credit density has been met.

21.15.070 Tree Density.

- (1) Introduction. The requirement to meet minimum tree density applies to new developments and major redevelopments, and new subdivisions and short subdivisions. If such a site falls below the minimum density with existing trees, supplemental planting shall be required. A tree density for existing trees to be retained is calculated to determine if new trees are required in order to meet the minimum density for the site. Supplemental tree location priority is set as well as minimum size of supplemental trees to meet the density.
- (2) Tree Density Requirement.
 - (a) Minimum Tree Density Requirement Established. Undeveloped sites and developed sites subject to the tree density requirements pursuant to WMC 21.15.020 shall meet the required minimum tree density as follows:
 - (i) 60 tree credits per acre, except as required under subsection (ii) below;
 - (ii) Single-family residential lots less than 7,200 square feet and lots in the Central Business District shall meet the required minimum tree density of 30 tree credits per acre.
 - (b) For existing residential subdivisions with Native Growth Protection Easements (NGPE), the tree credits within the NGPE may be counted where the homeowners association or owner of the NGPE have determined the number of tree credits that exist within the NGPE; the remaining tree credits required for the entire subdivision to meet the minimum tree density will be equally divided among the total number of lots. Where the tree credits in the NGPE have not been determined, the minimum tree density shall apply to each lot within the subdivision.
 - (c) The tree density consists of existing trees pursuant to the priority established in this section, supplemental trees or a combination of existing and supplemental trees pursuant to this section. Existing trees transplanted to an area on the same site shall not count toward the required density unless approved by the City Tree Official based on transplant specifications provided by a qualified tree professional that will ensure a good probability for survival.
 - (d) Tree Density Calculation. For the purpose of calculating required minimum tree density, City right-of-way, and areas to be dedicated as City right-of-way shall be excluded from the lot area used for calculation of tree density. Tree density calculation for existing individual trees is calculated by multiplying the tree credits based on the diameter at breast height multiplied by the species multiplier:
 - (i) Diameter-at-breast-height of the tree shall be measured in inches. The measured diameter-at-breast-height shall be its size at the time of measurement, except as provided in WMC 21.15.070(2)(f).
 - (ii) The tree credit value that corresponds with diameter-at-breast-height shall be found in Table 3. The species multiplier is based on the size of canopy for a mature tree of that species, as listed in the Woodinville Plant Species List. The multipliers shall be as follows:
 - 1) Tree species that have a canopy of 34 feet or less in diameter at maturity (small trees), the multiplier shall be 0.75;
 - 2) Tree species that have a canopy of 35 feet to 44 feet in diameter at maturity (medium trees), the multiplier shall be 1.0; and
 - 3) Tree species that have a canopy of 45 feet or greater in diameter at maturity (large trees), the multiplier shall be 1.2.
 - (iii) Table 3 Tree Density Calculation (diameter-at-breast-height).

Diameter-at-breast-height (inches)		Total Credit
From:	To:	
1.0	2.0	0.25
2.1	3.7	0.50
3.8	6.6	0.75
6.7	10.1	1.25
10.2	15.2	1.75
15.3	19.2	2.50
19.3	23.1	3.25
23.2	26.0	4
26.1	29.0	5
29.1	32.0	6
32.1	34.0	7
34.1	36.0	8
36.1	39.0	9
39.1	42.0	10
42.1	46.0	12
46.1	50.0	14
50.1	54.0	16
54.1	58.0	18
58.1	62.0	20
62.1	66.0	22
≥ 66.1		24

(e) Supplemental Trees Planted to Meet Minimum Density Requirement. For sites and activities requiring a minimum tree density and where the existing trees to be retained do not meet the minimum tree density requirement, supplemental trees shall be planted to achieve the required minimum tree density.

(i) Tree Location. In designing a development and in meeting the required minimum tree density the trees shall be planted in the following order of priority:

1) On-Site. The preferred locations for new trees are:

- a) In preserved groves, critical areas or their buffers.
- b) Adjacent to stormwater facilities as approved by the Public Works Director under WMC 14.09.
- c) Entrance landscaping, traffic islands and other common areas in residential subdivisions that have enough area to support a mature tree of that species, as listed in the City of Woodinville Plant Species List.
- d) Site perimeter.

- e) On individual residential building lots.
 - 2) Off-Site. When room is unavailable for planting the required trees on-site, or planting on-site would create nuisance or hazard trees, then they may be planted at another City Tree Official approved location in the City. The site chosen shall be in the same neighborhood, as designated in the Comprehensive Plan, as the subject site whenever possible.
 - 3) City Tree Fund. When the City Tree Official determines on-site and off-site locations are unavailable, then the applicant shall pay an amount of money approximating the current market value of the supplemental trees plus an additional 50 percent for maintenance, into the City Tree Fund.
 - 4) Alternative Compliance. If alternative compliance is proposed, the requirements of WMC 21.15.040 shall apply. The remaining tree credits required shall follow the steps outline above in sections 1), 2), and 3).
- (ii) Minimum Size and Tree Density Value for Supplemental Trees. The tree density shall be based on Table 3 with the multipliers described. The required minimum size of the supplemental tree shall be 2" diameter-at-breast-height trees for deciduous and evergreen trees. The installation and maintenance shall be pursuant to WMC 21.15.090 and WMC 21.15.100 respectively.
- (iii) Tree Species for Supplemental Trees. The tree species chosen for supplemental trees shall either be trees of the same mix of species as the canopy that has been removed, or native species as listed in the Woodinville Plant Species List. Replacement trees shall be a mix of species.
- (f) Incentive for Planting a Mix of Native Species. The applicant has the option of choosing to plant a mix of native species and planting selected species to avoid overplanting. For those species identified in the Woodinville Plant Species List with 5-year growth rates, and where a 2" diameter-at breast-height tree is planted, those trees shall be allowed to count the credit of the tree after the 5th year of growth. This means that if the tree is 2" at the time of planting, but will be 8" after a 5-year period, that tree will be eligible for the 8" diameter-at-breast-height tree credit at the time of planting. The 5-year growth rates may also be identified by a qualified tree professional, subject to review and approval by the City Tree Official.
- (i) For those applications that utilize this incentive, and are subject to a Tree Plan II or III, the required five year maintenance period shall also include annual monitoring to be completed by the arborist who completed the initial report. Monitoring shall consist of a site visit with the City Tree Official, determination of corrective actions or additional plantings necessary to meet the tree credits, and a report on the findings for that year. The annual monitoring requirements shall be completed within thirty days of the anniversary of the date of issuance of the certificate of occupancy, final inspection or final approval of a subdivision or short subdivision.
- (ii) For those applications that utilize this incentive, and are subject to a Tree Plan I or IV, the required five year maintenance period shall also include annual monitoring, to be completed by the applicant. Monitoring shall consist of a site visit with the City Tree Official, and determination of corrective actions or additional plantings necessary to meet the tree credits. The annual monitoring requirements shall be completed within thirty days of the anniversary of the date of issuance of the certificate of occupancy, final inspection or final approval.
- (g) Incentive for Preserving Existing Trees. Where a qualified tree professional has determined that an existing tree will be capable of long-term survival, the City Tree

Official may authorize credit against the permit fee, if the tree is retained and survives the five-year maintenance period.

21.15.080 Tree Protection During Construction.

- (1) Introduction. The importance of effective protection of retained trees and the understory of trees during construction is emphasized with specific protection standards in the last part of this section. These standards must be adhered to and included on demolition, grading and building plans as necessary.
- (2) Tree Protection during Development Activity. Prior to development activity or initiating tree removal on the site, vegetated areas, groves and individual trees to be preserved shall be protected from potentially damaging activities pursuant to the following standards. A meeting on-site between the City Tree Official, or designee and the contractor shall be held to determine that these standards have been met, prior to site disturbance.
 - (a) Protected Area. A protected area shall be established that shall be measured to include the area five (5) feet beyond the dripline of all retained trees.
 - (b) Placing Materials near Trees. No person may conduct any activity within the protected area of any tree designated to remain, including, but not limited to, operating or parking equipment, placing solvents, storing building material or soil deposits, or dumping concrete washout or other chemicals. During construction, no person shall attach any object to any tree designated for protection.
 - (c) Protective Barrier. Prior to any development, land clearing, filling or any land alteration, the applicant shall:
 - (i) Erect and maintain readily visible temporary protective fencing along the limits of disturbance which completely surrounds the protected area of all retained trees or groups of trees and their understory. Fences shall be constructed of chain link and be at least four feet high, unless other type of fencing is authorized by the City Tree Official.
 - (ii) Install highly visible signs spaced no further than 15 feet along the entirety of the protective tree fence. Said sign must be approved by the City Tree Official and shall state at a minimum "Tree Protection Area, Entrance Prohibited" and provide the City phone number for code enforcement to report violations.
 - (iii) Prohibit excavation or compaction of earth or other potentially damaging activities within the barriers; provided, that the City Tree Official may allow such activities approved by and under the supervision of a qualified tree professional retained and paid for by the applicant.
 - (iv) Maintain the protective barriers in place until the City Tree Official authorizes their removal, which shall not be prior to completion of major site development.
 - (v) Ensure that any approved landscaping done in the protected area subsequent to the removal of the barriers shall be accomplished with light machinery or hand labor.
 - (vi) In addition to the above, the City Tree Official may require the following as site conditions require:
 - 1) If equipment is authorized to operate within the critical root zone, the areas adjoining the critical root zone of a tree shall be covered with mulch to a depth of at least six inches, or with plywood, metal or similar material in order to protect roots from damage caused by heavy equipment.
 - 2) Minimize root damage by excavating a two-foot-deep trench, at edge of critical root zone, to cleanly sever the roots of trees to be retained.
 - 3) Corrective pruning performed on protected trees in order to avoid damage from machinery or building activity.

- 4) Maintenance of trees throughout construction period by watering.
- (d) Grade.
- (i) The grade shall not be elevated or reduced within the critical root zone of trees to be preserved without the City Tree Official's authorization based on recommendations from a qualified tree professional. The City Tree Official may allow coverage of up to one half of the area of the tree's critical root zone with light soils (no clay) to the minimum depth necessary to carry out grading or landscaping plans, if it will not imperil the survival of the tree. Aeration devices may be required to ensure the tree's survival.
 - (ii) If the grade adjacent to a preserved tree is raised such that it could slough or erode into the tree's critical root zone, it shall be permanently stabilized to prevent suffocation of the roots.
 - (iii) The applicant shall not install an impervious surface within the critical root zone of any tree to be retained without the authorization of the City Tree Official. Alternatives to installing impervious surface within the critical root zone, such as a meandered sidewalk or shifting improvements, shall be considered prior to approval of installation of impervious surface within the critical root zone. The City Tree Official may require specific construction methods and/or use of aeration devices to ensure the tree's survival and to minimize the potential for root-induced damage to the impervious surface.
 - (iv) Utility trenches should be located outside of the critical root zone of Type 1 trees. If utilities must be placed within the critical root zone, the applicants qualified tree professional shall establish to the satisfaction of the City Tree Official that the design will adequately support the long-term viability of the trees.
 - (v) Trees and other vegetation to be retained shall be protected from erosion and sedimentation. Clearing operations shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time. To control erosion, it is encouraged that shrubs, ground cover and stumps be maintained on the individual lots, where feasible.
- (e) Directional Felling. Directional felling of trees shall be used to avoid damage to trees designated for retention. Any trees designated for preservation, per the approved tree plan, that are significantly damaged or destroyed during felling of trees approved for removal, shall be replaced per section WMC 21.15.070(2).
- (f) Additional Requirements. The City Tree Official may require additional tree protection measures that are consistent with accepted urban forestry industry practices.

21.15.090 Installation Standards for Required Tree Plantings

- (1) All required trees shall be installed according to sound horticultural practices in a manner designed to encourage quick establishment and healthy plant growth. All required trees shall be installed in the ground and not in above-ground containers. When an applicant proposes to locate a subterranean structure under required trees that appears to be at grade, the applicant will: (1) provide site-specific documentation prepared by a qualified expert to establish that the design will adequately support the long-term viability of the required trees; and (2) enter into an agreement with the City, in a form acceptable to the City Attorney, indemnifying the City from any damage resulting from development activity on the subject property which is related to the physical condition of the property. The applicant shall record this agreement with the County Records Office.
- (2) Compliance. It is the applicant's responsibility to show that the proposed tree plan complies with the regulations of this chapter.

- (3) Timing. All trees shall be installed prior to the issuance of a certificate of occupancy or plat recording, except that the installation of any required tree may be deferred during the summer months to the next planting season, but never for more than six months. Deferred installation shall be secured with a performance security pursuant to WMC 15.42 or 20.06 prior to the issuance of a certificate of occupancy or plat recording.
- (4) Grading. Berms shall not exceed a slope of two horizontal feet to one vertical foot (2:1).
- (5) Soil Specifications. Soils in planting areas shall have adequate porosity to allow root growth. Soils which have been compacted to a density greater than one and three-tenths grams per cubic centimeters shall be loosened to increase aeration to a minimum depth of 24 inches or to the depth of the largest plant root ball, whichever is greater. Imported topsoils shall be tilled into existing soils to prevent a distinct soil interface from forming. After soil preparation is completed, motorized vehicles shall be kept off to prevent excessive compaction and underground pipe damage. The organic content of soils in any planting area shall be as necessary to provide adequate nutrient and moisture-retention levels for the establishment of plantings.
- (6) Tree Selection.
 - (a) Tree selection shall be consistent with the City of Woodinville Plant Species List or the Critical Area Plant List if within a critical area or buffer, which is produced by the City's Development Services Department and available at City Hall.
 - (b) Trees shall be selected and sited to produce a hardy and drought-resistant landscape area. Selection shall consider soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site. Preservation of existing vegetation is strongly encouraged.
 - (c) Prohibited Materials. Plants listed as prohibited in the Woodinville Plant Species List are prohibited for required tree plantings. Additionally, there are other plants that may not be used if identified in the Woodinville Plant Species List as potentially damaging to sidewalks, roads, underground utilities, drainage improvements, foundations, or when not provided with enough growing space.
 - (d) All trees shall conform to American Association of Nurserymen (AAN) grades and standards as published in the "American Standard for Nursery Stock" manual.
 - (e) Trees shall meet the minimum size standards established in other sections of the WMC.
 - (f) Multiple-stemmed trees may be permitted as an option to single-stemmed trees provided that such multiple-stemmed trees are at least 10 feet in height and that they are approved by the City Tree Official prior to installation.
- (7) Fertilization. Fertilization of trees planted shall be by special approval of the City Tree Official only.
- (8) Irrigation. Irrigation shall be required for any tree planting completed pursuant to this section. The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. All required plantings must provide an irrigation system, using either Option 1, 2, or 3 or a combination of those options. For each option irrigation shall be designed to conserve water by using the best management techniques available. These techniques may include, but not be limited to: drip irrigation to minimize evaporation loss, moisture sensors to prevent irrigation during rainy periods, automatic controllers to insure proper duration of watering, sprinkler head selection and spacing designed to minimize overspray, and separate zones for turf and shrubs and for full sun exposure and shady areas to meet watering needs of different sections of the trees. Exceptions, as approved by the City Tree Official, to the irrigation requirement may be approved xeriscape (i.e., low water usage plantings), plantings approved for low impact

development techniques, established indigenous plant material, or where natural appearance is acceptable or desirable to the City. However, those exceptions will require temporary irrigation (Option 2 and/or 3) until established.

- (a) Option 1. A permanent built-in irrigation system with an automatic controller designed and certified by a licensed landscape architect as part of the tree plan.
 - (b) Option 2. An irrigation system designed and certified by a licensed landscape architect as part of the tree plan, which provides sufficient water to ensure that the plants will become established. The system does not have to be permanent if the plants chosen can survive adequately on their own, once established.
 - (c) Option 3. Irrigation by hand. If the applicant chooses this option, an inspection will be completed by city staff one year after plat recording or certificate of occupancy to ensure that the trees have become established. Corrective actions pursuant to WMC 21.15.100 may be required at the time of the one year inspection.
- (9) Drainage. All planted areas shall have adequate drainage, either through natural percolation or through an installed drainage system. A percolation rate of one-half inch of water per hour is acceptable.
- (10) Mulch.
- (a) Required plantings shall be covered with two inches or more of organic mulch to minimize evaporation and runoff. Mulch shall consist of materials such as yard waste, sawdust, and/or manure that are fully composted.
 - (b) All mulches used in planter beds shall be kept at least six inches away from the trunks of shrubs and trees.
- (11) Protection. All required trees must be protected from potential damage by adjacent uses and development, including parking and storage areas. Protective devices such as bollards, wheel stops, trunk guards, root guards, etc., shall be required as needed to protect required trees.

21.15.100 Tree Maintenance Requirements

- (1) The following maintenance requirements apply to all trees the City requires to be planted or preserved for projects subject to Tree Plan III and Tree Plan II:
- (a) Responsibility for Regular Maintenance. Required trees shall be considered as elements of the project in the same manner as parking, building materials, landscaping, fences, walls, and other site details. The applicant, landowner, or successors in interest shall be responsible for the regular maintenance of required trees. Trees that die and are removed shall be replaced in kind by the property owner. The timing of the replacement planting shall be determined by the City Tree Official and a qualified tree professional.
 - (b) Maintenance Duration. Maintenance shall be ensured in the following manner except as set forth in subsections (c) and (d) of this section:
 - (i) All required trees shall be maintained throughout the life of the development. Prior to issuance of a certificate of occupancy or plat recording, the proponent shall provide a final as-built tree plan and an agreement to maintain and replace all trees that are required by the City.
 - (ii) Any existing tree, tree designated for preservation, or planted tree shall be maintained for a period of five years following issuance of the certificate of occupancy or plat recording for the individual lot or development. A maintenance guarantee pursuant to WMC 15.42 or 20.06 shall be secured to ensure the maintenance.
 - (c) Maintenance of Preserved Grove. Any applicant who has a grove of trees identified for preservation on an approved tree plan pursuant to WMC 21.15.060 shall provide prior to

occupancy or plat recording the legal instrument acceptable to the City to ensure preservation of the grove and associated vegetation in perpetuity, except that the agreement may be extinguished if the City Tree Official determines that preservation is no longer appropriate.

- (d) **Non-Native Invasive and Noxious Plants.** It is the responsibility of the property owner to remove non-native invasive plants and noxious plants from the vicinity of any tree or other vegetation that the City has required to be planted or retained. Removal must be performed in a manner that will not harm the tree or other vegetation that the City has required to be planted or protected.
- (e) **Pesticides, Herbicides, and Fertilizer.** The use of pesticides, herbicides or fertilizer shall be by special approval of the City Tree Official only.
- (2) **Tree Plans and Utility Plans.** Tree plans and utility plans shall be coordinated. In general, the placement of trees should adjust to the location of required utility routes both above and below ground. Location of trees shall be based on the plant's mature size both above and below ground. See the Woodinville Plant Species List for additional standards.
- (3) **Tree Pruning.** Topping or pruning to the extent that would constitute tree removal as defined in WMC 21.06 is not allowed. If a required tree smaller than six inches in diameter-at-breast-height is topped, it must be replaced pursuant to the standards in WMC 21.15.120. If a tree six inches or larger in diameter-at-breast-height is topped, the property owner may be subject to enforcement actions pursuant to WMC 21.15.120. Trees may be windowed or limbed up using best management practices. This method of tree pruning shall maintain the health of the tree.
- (4) **Table 4 - Pruning Techniques.** The following techniques for healthy pruning shall be used. No permit is required for pruning; however, all pruning should be done under the direction of a qualified tree professional.

Healthy Pruning Techniques

Crown Cleaning – removing dead, dying, diseased, crowded, weakly-attached, or low-vigor branches, in a manner that should not reduce the canopy.

Crown Thinning – selective removal of branches throughout the crown of the tree to improve interior light and air. Remaining branches should be well-distributed and balanced.

Crown Raising – removal of the lower branches of the tree to provide height clearance, typically 8' for pedestrians and 16' for vehicles.

Windowing – removing several branches symmetrically within an area of the trees crown to enhance views.

Improper Pruning Techniques

Topping – the cutting of a trunk or main branch to the point where there is no branch large enough and vigorous enough to become the new leader.

Stripping – removing the branches from the inner section of the trunk or branch. Can cause structural imbalances and potential failure.

Imbalance – removing portions of the tree and creating an imbalance in the structure of the tree. Can cause cracking damage from the wind through twisting; or weak new growth.

Excessive Pruning – removing portions of the tree to a point where it can kill the tree. Can invite decay and disease.

21.15.110 Prohibited Vegetation

- (1) Plants listed as prohibited in the Woodinville Plant Species List shall not be planted in the City.
- (2) The adopted King County Noxious Weed List, as amended, is hereby adopted by reference. Plants on this List shall not be planted in the City.

21.15.120 Enforcement and Penalties

- (1) Intent. These enforcement and penalty provisions have several purposes. First, they are intended to discourage damage or removal of significant trees above and beyond what is permitted under this chapter. Second, these enforcement and penalty provisions are intended to provide complete and effective restoration of areas in which violations of this chapter occur. Finally, these regulations are intended to provide a clear and efficient process for addressing violations of this chapter.

The City may utilize one or more of several remedies when responding to violations of this chapter. In almost all cases where a violation has occurred, the City will issue a civil citation ~~that describes the nature of the violation, the actions necessary to remedy the violation, and the amount of any civil penalty, among other things.~~ If the acts that constitute a violation appear to be ongoing, the City may also issue a notice of cease and desist. Failure to adhere to a notice to cease and desist will result in imposition of additional civil penalties. If there is a pending development or building permit, the City may also issue a stop work order or withhold issuance of permit approval or a certificate of occupancy. Finally, additional fines may be imposed if a violator does not follow through in a timely manner with restoration work or other compliance issues.

- (2) General Requirements.
 - (a) Enforcement shall be conducted in accordance with ~~procedures set forth in WMC 1.06 the administrative code enforcement procedures and~~ § special enforcement provisions related to tree conservation are set forth below. To the extent there is a conflict between the provisions of this section and WMC 1.06, this section shall control.
 - (b) Voluntary compliance is the preferred method of enforcement. The following remedies should only be pursued when a violator is not voluntarily complying with the restoration requirements ~~or other when other requirements are stipulated by the Code Enforcement Officer or City Tree Official, or when the violator did knowingly act in a manner contrary to the requirements of this code.~~
- (3) Authority. It shall be the duty of the City Tree Official, or designee, to administer the provisions of this chapter. The City Tree Official shall have authority to enforce and carry out the provisions of this chapter.
- (4) Cease and Desist. The City Tree Official, or designee, may issue a notice to cease and desist using the procedure set forth in WMC if the City Tree Official finds that a violation of this code has occurred. Continued illegal tree activity following issuance of a cease and desist from the City for the tree activity shall result in fines of \$1,000 per day of continued activity.
- (5) Stop Work Order. If a violation of this chapter or an approved tree plan occurs on property on which work is taking place pursuant to a City of Woodinville development or building permit, the City Tree Official, or designee, may suspend some or all of the work as appropriate through issuance of a stop work order. The City Tree Official, or designee, shall remove the stop work order when the City Tree Official determines that the violation has been corrected or when the City Tree Official has reached an agreement with the violator regarding rectification of the violation. Any stop work order issued under this section may be appealed using the procedures set forth in WMC 2.30.
- (6) ~~Civil Citation and Penalty Notification of Violation.~~ The City's Code Enforcement Officer shall notify a person who violates this chapter; such notification shall also include a statement of the restoration action required to be taken to correct the violation as determined by the City Tree Official. ~~by issuance of a civil citation, pursuant to the procedures in WMC~~

1.06.060. The civil citation shall contain the following in addition to that required in WMC 1.06.060:

- ~~(a) A statement of the restoration action required to be taken to correct the violation as determined by the City Tree Official;~~
- ~~(b) A statement that the person to whom the civil citation is issued must correct the violation through restoration described in subsection (8) of this section and may pay the civil penalty or may appeal the civil citation as provided in this section.~~

(7) Civil Penalty.

- (a) A person who fails to comply with the requirements of this chapter or the terms of a permit issued hereunder, who undertakes an activity regulated by this chapter without obtaining a permit, or fails to comply with a cease and desist or stop work order issued under this chapter shall also be subject to a civil penalty as set forth in Table 4. Each unlawfully removed or damaged tree shall constitute a separate violation.
- (b) Any person who aids or abets in the violation shall be considered to have committed a violation for purposes of the civil penalty.
- (c) The amount of the penalty shall be assessed in accordance with Table 4. The City Tree Official may elect not to seek penalties if he or she determines that the circumstances do not warrant imposition of civil penalties in addition to restoration.

(d) Table 45 – Penalties.

Types of Violations	Allowable Fines per Violation
1. Removal of tree(s) approved to be removed, but prior to final tree plan approval or issuance of a City tree removal permit	\$1,000 per tree
2. Removal or damage of tree(s) that are or would be shown to be retained on an approved tree plan or any other violation of approved tree protection plan	\$1,000 per tree
3. Removal of tree(s) without applying for or obtaining a required City permit	\$1,000 per tree

(8) Tree Restoration.

- (a) Violators of this chapter or of a permit issued there under shall be responsible for restoring unlawfully damaged areas in conformance with a plan, approved by the City Tree Official, which provides for repair of any environmental and property damage, and restoration of the site; and which results in a site condition that, to the greatest extent practical, equals the site condition that would have existed in the absence of the violation(s). In cases where the violator intentionally or knowingly violated this chapter or has committed previous violations of this chapter, restoration costs, at the discretion of the City Tree Official, may be based on the City-appraised tree value of the subject trees in which the violation occurred, utilizing the industry standard trunk formula method in the current edition of “Guide for Plant Appraisal”. If diameter of removed tree is unknown, determination of the diameter size shall be made by the City Tree Official by comparing size of stump and species to similar trees in similar growing conditions. The amount of costs above the approved restoration plan will be paid into the City Tree Fund.

(b) Restoration Plan Standards. The restoration plan shall be in accordance to the following standards:

(i) The number of trees required to be planted is equal to the number of tree credits of illegally removed trees according to Table 3.

(ii) The minimum size for a tree planted for restoration shall be as required under WMC 21.15.070(2).

(iii) In the event the violators cannot restore the unlawfully removed or damaged trees due to current or future development activity or other site conditions as determined by the City Tree Official, the violators shall make payment to the City Tree Fund. Unless otherwise determined to base the restoration costs on appraised value, the amount paid will be the City's unit cost for a restoration tree multiplied by the number of outstanding tree credits plus 50 percent for maintenance. The City's unit cost is based on the current market cost of purchase, installation and five-year maintenance for a minimum-sized tree for restoration.

(iv) The restoration plan shall include a maintenance plan and an agreement or security to ensure survival and maintenance of restoration trees for a three-year period unless the violation was on a site with an approved tree plan in which case, the maintenance period is five years.

(9) Failure to Restore or Pay Fines.

(a) Prohibition of Further Approvals. The City shall not approve any application for a subdivision, short subdivision, or any other development permit or approval, or issue a certificate of occupancy for property on which a violation of this chapter has occurred until the violation is cured by restoration or other means accepted by the City Tree Official and by payment of any penalty imposed for the violation.

~~(b) Fines. A property owner or occupant who fails to restore or otherwise cure property on which a violation of this chapter has occurred shall be assessed a fine of \$1,000 per day for each day that restoration is incomplete. Prior to assessing fines under this subsection, the City shall issue a written notice to the property owner or that restoration has not been completed. The notice shall include the following information: (1) a description of the nature of the violation; (2) a description of what actions are required to bring the property into compliance; and (3) a date by which compliance shall be required (the "compliance date"). The compliance date shall be no less than 30 days from the date the notice is served on the property owner or occupant. If the property owner or occupant does not, in the determination of the City Tree Official, bring the property into compliance by the compliance date, then the City may issue an order imposing \$1,000 per day fines at any time after the compliance date. The fines shall continue to accrue until the violation has been certified to be corrected by the City Tree Official. The property owner or occupant may appeal the order imposing fines to the Hearing Examiner using the procedures set forth in subsection 10 of this section.~~

(10) Appeal to Hearing Examiner.

~~(a) A person to whom a civil citation or order imposing fines is directed may appeal the civil citation, including the determination that a violation exists and/or the amount of any monetary penalty imposed, to the Hearing Examiner.~~

~~(b) A person may appeal the civil citation or order imposing fines by filing an appeal with the Development Services Department within 14 calendar days of the date of service of the civil citation or order imposing fines.~~

~~(c) Fines that accrue on a daily basis shall continue to accrue while an appeal is pending and shall not be reduced unless the Hearing Examiner determines that the alleged violation did~~

~~not occur or makes written findings of fact supporting good cause for making a reduction in the accrued fines pending a decision on the appeal.~~

- ~~(d) If both a civil citation and an order to cease and desist have been issued in the same case, and both the civil citation and the order to cease and desist have been appealed, the appeals shall be consolidated for hearing.~~
 - ~~(e) The Development Services Department shall give notice of the hearing to the appellants at least 15 calendar days prior to the hearing, pursuant to WMC 17.17.040.~~
 - ~~(f) The Hearing Examiner shall conduct a hearing on the appeal pursuant to the rules of procedure provided for in the Administrative Procedures Act (Chapter 34.05 RCW), the Woodinville Municipal Code, and in accordance with any rules for hearings promulgated by the Hearing Examiner. The City and the appellant may participate as parties in the hearing and each may call witnesses. The City shall have the burden of proof by a preponderance of the evidence that a violation has occurred.~~
- ~~(11) Hearing Examiner Decision.~~
- ~~(a) The Hearing Examiner shall determine whether the City has proven by a preponderance of the evidence that a violation has occurred and shall affirm, vacate, suspend, or modify the amount of any monetary penalty imposed by the civil citation, with or without written conditions, consistent with this chapter and the determination of whether or not a violation has occurred.~~
 - ~~(b) In the event that the Hearing Examiner determines that a violation has occurred, the Hearing Examiner shall also consider the following in making a decision: (1) whether the appeal is frivolous or intended to delay compliance; (2) whether the appellant exercised reasonable and timely effort to comply with applicable development regulations; and (3) any other relevant factors.~~
 - ~~(c) The Development Services Department shall mail a copy of the Hearing Examiner decision to the appellant, by certified mail, postage prepaid, return receipt requested.~~
 - ~~(d) The decision of the Hearing Examiner may be reviewed in County Superior Court using the standards set forth in RCW 36.70C.130. The land use petition must be filed within 21 calendar days of the issuance of the final land use decision by the Hearing Examiner.~~