

ORDINANCE NO. 589

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, CONCERNING THE CITY TREE CODE; ADOPTING FINDINGS; AMENDING CHAPTER 21.11 AND CHAPTER 21.50 WMC; MAKING FINDINGS OF FACT AND THE FOLLOWING AMENDMENTS; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE AND FOR SUMMARY PUBLICATION BY TITLE ONLY.

WHEREAS, the City of Woodinville is a Tree City USA community for 20 years and committed to the protection and management of the city's urban forest and enhancement of the city's community character; and

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; and

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; and

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

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

WHEREAS, the proposed ordinance was considered by the Tree Board after review at twenty study sessions between 2012 and 2015, and recommendation was forwarded to Planning Commission for review and consideration; and

WHEREAS, the proposed ordinance was considered by the Woodinville Planning Commission after review at study sessions on April 16, 2014, June 3, 2015 and July 15, 2015; and at a public hearing on September 16, 2015, December 2, 2015, January 6, 2016; February 3, 2016; and February 17, 2016 and recommendation was forward to the City Council for review and consideration; and

WHEREAS, the Woodinville City Council has considered recommendations of the Planning Commission, staff, and public input after a public hearing held on November 1, 2016; and after such consideration has found that these amendments meet the required criteria in Ordinance No. 172 and WMC 21.46.030; and

WHEREAS, adoption of this ordinance will promote the public health, safety, and general welfare in the City of Woodinville;

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

Section 1. Findings. The City Council hereby adopts as findings the recitals expressed above.

1. The City Council first initiated an amendment to review tree retention requirements including simplifying regulations and prohibiting tree removal in utility easements to the annual docket in 2012. The amendment updates the purpose statement, clarifies applicability to single-family residential zones, adds application submittal requirements, clarifies tree removal for sites with no construction and sites featuring critical areas, provides for preservation for subdivisions, provides alternative compliance measures, and modifies construction protection and installation measures.
2. Pursuant to Chapter 21.83 Woodinville Municipal Code (WMC), the Planning Commission is required to hold a public hearing on the proposed amendments and make a recommendation to the City Council.
3. The City SEPA Official reviewed the amendments for environmental impacts under SEPA (RCW 43.21C), and issued a Determination of Nonsignificance (File No. SEP15007) on August 10, 2015. The appeal period ended without any comments or appeals received.
4. Pursuant to the Growth Management Act, the proposed amendments were submitted to the Washington State Department of Commerce for review and comment. The state initiated the required 60-day state agency review period on July 27, 2015. No comments were received from any state agency regarding the amendments that are the subject of this ordinance.
5. The Tree Board has held twenty study sessions between 2012 and 2015, the dates are as follows: November 28, 2012, January 23, 2013, February 27, 2013, May 22, 2013, July 24, 2013, August 28, 2013, September 25, 2013, November 27, 2013, January 22, 2014, February 22, 2014, March 26, 2014, June 25, 2014, September 24, 2014, November 12, 2014, December 10, 2014, January 28, 2015, February 25, 2015, March 25, 2015, April 22, 2015, May 27, 2015, and recommendation was forwarded to Planning Commission for review and consideration; and
6. The Planning Commission held study sessions on June 3, 2015, July 15, 2015, and public hearings on September 16, 2015, December 12, 2015, January 6, 2016, February 3, 2016, and February 17, 2016. Public hearing notices were issued in the Woodinville Weekly and posted in city posting locations.
7. The Planning Commission received written comments and public testimony; deliberated and produced a public record and recommendations on the amendments that are subject of this ordinance during the February 17, 2016 Planning Commission meeting.
8. The City Council considered the Planning Commission's public record and recommendations concerning the amendments that are subject of this ordinance at a public hearing on November 1, 2016.
9. The City Council held first reading of Ordinance No. 589 on November 1, 2016.
10. The Zoning Code amendments that are the subject of this ordinance are consistent with the required decision criteria found in WMC 21.46.030 and WMC 21.44.070.

Section 2. Amendment of Chapter 21.50 WMC. Chapter 21.50 of the Woodinville Municipal Code and the corresponding portions of Ordinance No. 611 § 8 are hereby amended as set forth below. New text is shown by underline; deleted text is shown by ~~strike through~~; all other provisions of this section shall remain unchanged and in full force:

**Chapter 21.50
DEVELOPMENT STANDARDS – TREE PROTECTION**

21.50.010 Purpose and intent.

- (1) Introduction. ~~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 h~~Healthy trees and vegetation contribute to Woodinville's quality of life through

reducing soil erosion and land instability; improving air quality, providing protection from severe weather conditions; providing habitat and food supply for fish and wildlife; enhancing property values and contributing to Woodinville's natural beauty, aesthetic character, and livability 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 storm water 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) Purpose. ~~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, or disturbance of to native significant 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 or naturalized 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/citywide~~ 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).

21.50.020 Applicability.

- (1) Permit Required. General. ~~Tree removal, trimming, or vegetation clearing within the city limits shall be conducted in accordance to this chapter regardless of whether a permit is required.~~
- (2) Permit Required. ~~Removal of trees not 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 21.50.030 shall require a tree permit. Tree permits shall be processed as a Type I project permit pursuant to Chapter 21.83 WMC.~~
- (3) Trimming and Maintenance. ~~Tree trimming, pruning, or maintenance conducted in conformance with WMC 21.50.130 shall not require a tree permit.~~
- (4) Removal of heritage or specimen trees shall not be permitted except under the City's Heritage Tree Program.

Permits shall be processed as described in WMC 21.50.060(5).

- (a) ~~Removal of any significant tree as defined in Chapter 21.11 WMC on any property.~~
 - (b) ~~Removal of nonsignificant trees, between two inches and six inches 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 25 percent of the existing square footage, or has construction costs of an amount equal to or greater than 25 percent of the assessed value, of the structures on site, shall fully comply with the tree density requirements in WMC~~

21.50.070. 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 21.50.060(3)(a)(iii).

21.50.030 Exemptions.

(1) Exemptions. The following activities are exempt from the provisions of this chapter:

- (a)(1) Emergency Tree Removal. Any tree on private, developed property that poses an imminent threat a high or extreme risk according to ISA tree risk assessment to life or property, due to a storm event such as a wind storm or ice storm, may be removed without first obtaining a permit. The party removing the tree will shall document the high or extreme risk assessment and contact the City Tree Official 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 21.50.120(8)(b).
- (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, or if the necessary utility clearance pruning will remove greater than 50 percent of the tree canopy.
- (c)(3) Commercial Nurseries or Tree Farms. A nursery or tree farm owner may remove trees that are being grown to be sold as for commercial Christmas or landscape trees sales.
- (d)(4) Removal of nonsignificant trees with a diameter-at-breast-height of less than two inches.
- (e) Removal of nonsignificant trees (diameter-at-breast-height of less than six inches) with a combined maximum of diameter-at-breast height of less 40 inches within a 12-month period.
- (f)(5) Trees within the public right-of-way, and trees removed as part of a City construction project, shall be subject to the requirements of Chapter 2.24 WMC.
- (g) Remodels or maintenance activities that do not remove trees and do not alter or expand to the footprint of a structure, provided tree protection measures are in place consistent with this chapter.
- (h) Tree removal in multifamily, commercial, industrial, and public/institutional zones (R-12 through R-48, CBD, NB, GB, I, or TB zones), except for heritage and specimen trees, shall be subject to Chapter 21.43 WMC.
- (i) Tree trimming, pruning, or maintenance conducted in conformance with WMC 21.50.130.

21.50.040 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 21.50.010. 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 to WMC 21.50.060(3).

21.50.040050 City tree fund established.

(1) Fund Established. A City Tree Fund is established for the collection of any funds used for the purpose and intent set forth by this chapter.

(2)(1) Funding Sources. The following funding sources may be allocated to the City Tree Fund: payments received in lieu of supplemental plantings; civil penalties collected pursuant to this chapter; agreed-upon restoration payments or settlements in lieu of penalties; sale of trees or wood from City

property; donations and grants for tree purposes; sale of seedlings by the City; and other monies allocated by City Council. All civil penalties received under this chapter and all money received pursuant to WMC 21.50.070 and 21.50.120 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 21.50.120 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.

(3)(2) Funding Purposes. The City shall use money received pursuant to this section for the following purposes. The Tree Board shall provide recommendations with each budget to the City Council for approval of how the fund will be allocated. Prioritization shall be based on the Urban Forestry Plan. The City shall use money received pursuant to this section for the following purposes:-

- (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;
- (f) Urban forest canopy coverage assessment; or
- (fg) Other purposes relating to trees and woodland protection and enhancement as determined by the City Council.

21.50.050 Tree permit.

(1) When Required. Unless otherwise exempted in WMC 21.50.030, a development project requiring a construction permit or any proposal to remove trees subject to this chapter shall obtain a tree permit.

(2) Submittal Materials. The following materials are required to obtain a tree permit. The City Tree Official shall have the authority to waive certain application materials if the item is not necessary to evaluate a specific proposal for consistency with this chapter.

- (a) Tree permit application, completed and signed by the property owner.
- (b) Site plan prepared by an engineer, surveyor, arborist, or other qualified professional, showing the following:
 - (i) Location of all existing and proposed structures, construction limits, easements, utility lines, and construction protection barriers consistent with WMC 21.43.120;
 - (ii) Location of all trees above three inches at diameter-at-breast height (DBH) within 50 feet of the construction limits, including size and species;
 - (iii) Identification of all trees to be removed and/or relocated;
 - (iv) Location of temporary tree protection fencing, signage, material storage, silt fencing, and other construction details as necessary;
 - (v) Existing and proposed topography at five-foot intervals; and
 - (vi) Location of all critical areas and buffers.
- (c) Replanting plan, showing the following:
 - (i) Location of proposed structures and retained trees;
 - (ii) Location of proposed replacement trees and/or vegetation, including species, size, and spacing;
 - (iii) Location and design of other landscape restoration measures;
 - (iv) A planting schedule that indicates species, quantity, size, spacing, and tree density calculations for replanted trees; and
 - (v) Irrigation system, including location and specifications; and
- (d) Arborist report or professional recommendation, evaluating the following:
 - (i) Inventory of all impacted trees, including size, species, dripline, and critical root zone. The inventory must include all trees proposed for removal, any trees within 50 feet of

the construction limits on the subject property and any neighbor's trees with canopy overhanging the construction limits. Written evaluation of anticipated impacts to tree health and viability resulting from construction, including any impacts to critical root zones;

- (ii) Information on compliance with coverage requirements, including a calculation of tree canopy or replanting schedule;
- (iii) Evaluation of impacts on dripline and critical root zone of trees on adjoining properties;
- (iv) Suggested location and species of supplemental trees, maintenance, and planting specifications consistent with WMC 21.50.100;
- (v) Recommendations on tree protection measures consistent with WMC 21.43.120 and correspond to the site plan in subsection (b);
- (vi) Special instructions for working within the protection area, including but not limited to, hand-digging, tunneling, root pruning, minimizing grade changes;
- (vii) Information on any required on-site supervision during construction;
- (viii) Information on maintenance including duration, benchmarks for success, cost estimates, and financial guarantees/bonding; and
- (ix) If applicable, assessment and designation of a hazard or nuisance tree.

21.50.060 Minimum tree density. Tree plans, review procedures, and tree typing.

- (1) Minimum Tree Density Required. Any proposal subject to a tree permit pursuant to WMC 21.50.050(1), except as provided for single-family lots subject to WMC 21.50.070, shall be required to meet minimum tree density of 70 tree credits per acre for residential zone R-1 and 50 tree credits per acre for residential zones R-4 through R-8. Minimum tree density shall be calculated by multiplying the required tree density by the lot area. Nonresidential uses are required to meet the landscape standards pursuant to Chapter 21.43 WMC.
- (2) Area Calculation. For the purposes of calculating required minimum tree density, right-of-way, and areas to be dedicated as right-of-way, shall be excluded from the lot area used for calculation of tree density.
- (3) Tree Density Credit Calculation. The minimum tree density credits are calculated through a tree credit calculation using Table WMC 21.50.060(3). The tree credit calculation is the sum of all retained existing trees and any supplemental tree plantings. If a site falls below the minimum tree density with existing trees, supplemental planting shall be required pursuant to WMC 21.50.090. The tree credit value shall correspond with diameter-at-breast-height in Table WMC 21.50.060(3):

Table WMC 21.50.060(3) – Tree Credit Calculation

<u>Tree Diameter Inches</u>		<u>Total Credit</u>
<u>Minimum</u>	<u>Maximum</u>	
<u>2.0</u>	<u>2.9</u>	<u>0.50</u>
<u>3.0</u>	<u>5.9</u>	<u>0.75</u>
<u>6.0</u>	<u>8.9</u>	<u>1.5</u>
<u>9.0</u>	<u>14.9</u>	<u>2.0</u>
<u>15.0</u>	<u>17.9</u>	<u>3.0</u>
<u>18.0</u>	<u>23.9</u>	<u>4.0</u>
<u>24.0</u>	<u>35.9</u>	<u>6.0</u>
<u>36.0 and above</u>		<u>8.0</u>

- (a) Tree diameter inches shall be determined in diameter-at-breast-height, which is the diameter of the tree as measured 4.5 feet off the ground for existing trees and six inches off the ground for new plantings. The measured tree diameter shall be its size at the time of permit submittal.
- (b) For multi-trunk trees splitting at the ground level, the tree diameter inches shall be determined by taking the square root of the sum of all squared stem caliper.
- (c) Existing trees transplanted to an area on the same site may count toward the required density if 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) Trees shall be planted in accordance with WMC 21.50.100. On sites where additional plantings are not feasible due to spacing or other site constraints, an applicant may satisfy the minimum tree density requirement through payment into the City Tree Fund pursuant to WMC 21.50.100(4)(f).

(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 21.50.030.~~

~~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 City-wide 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 in subsection (3) of this section, 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 the ordinance codified in this chapter 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 chapter. 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 21.50.060-1—Tree Plan Requirements.~~

~~(i) Type of Plan Required.~~

Requirement	Tree Plan I	Tree Plan II	Tree Plan III	Tree Plan IV
Type of project	Required for any permits* for one or two dwelling units on individual lot. 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.	Required for any permits* for three or more detached dwelling units; or any use other than residential. For permits* to existing buildings where the cost of construction exceeds the applicability requirements of WMC 21.50.020(2); the requirements of Tree Plan I—Minor shall apply.	Required for new residential subdivisions or short subdivisions and related site development permit applications.	Required for tree removal on a property on which no development activity is proposed or in progress. 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 21.50.030; and tree removal in areas dedicated to ensure protection of vegetation, critical areas and their buffers, including NGPEs. The plan can be developed by the applicant but may require assistance of a qualified tree professional.
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 assessed value of the existing improvements on the subject property. Tree Plan I—Minor shall be	N/A	N/A	N/A

Requirement	Tree Plan I	Tree Plan II	Tree Plan III	Tree Plan IV
	required for all proposed development activities and site disturbance for which Tree Plan I—Major does not apply.			

* Tree Plan I or II is required for any permits that will result in site disturbance or exceed the compliance requirements in WMC 21.50.020(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 two 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 two 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 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.	-	-	(1) A property owner may remove up to two healthy significant trees from their property within a 12-month period under a Tree Plan IV. Sites with existing development larger than two acres may remove up to two healthy trees per

Requirement	Tree Plan I	Tree Plan II	Tree Plan III	Tree Plan IV
	<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>acre within a 12-month period. There is no limit on the number of hazard trees that may be removed; however, additional nonhazard 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 propose action to mitigate the hazard or nuisance in accordance to standards set forth in this section.</p>

Requirement	Tree Plan I	Tree Plan II	Tree Plan III	Tree Plan IV
				<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 21.50.030 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>(6) For removal of hazard or nuisance trees, the tree inventory information required to be submitted shall be completed within two weeks of permit issuance. Any required replanting shall occur within 12 months of permit issuance.</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; (e) species ratings (zero to 100 percent) 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 NGPEs 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 WMC 21.50.080.
- (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 21.50.100, 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 percent greater tree credit than currently exists if the site is nonconforming. If the site currently has zero credits, a total of 10 credits or 10 credits per acre will be required.*	The minimum tree density shall apply to all Tree Plan II. Tree Plan II for tenant improvements to existing buildings where the applicability requirements of WMC 21.50.020(2) are exceeded shall provide either the lesser of the minimum tree density or 50 percent greater tree credit than currently exists if the site is nonconforming. If the site currently has zero credits, a total of 10 credits or 10	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 percent greater tree credit than currently exists if the site is nonconforming. If the site currently has zero credits, a total of 10 credits or 10 credits per acre will be required.*

Requirement	Tree Plan I	Tree Plan II	Tree Plan III	Tree Plan IV
		credits per acre will be required.*		

* Fifty 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 professional's 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 21.50.090 and 21.50.100.

(5) Tree Plan Review Procedure and Appeals:

- (a) When an applicant proposes a development activity or project that requires a Level I, II or III Tree Plan, 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 five 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 conditions of approval; the additional information, inventory and a replanting plan shall be submitted within two 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 Chapter 21.84 WMC. 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 21.50.040. Tree plans shall comply with all other tree retention requirements in the Woodinville Municipal Code, including but not limited to those in Chapter 21.24 WMC, Development Standards—Critical Areas.

(i) Tree Retention Standards:

(A) 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.

(B) Table 21.50.060-2—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> <ul style="list-style-type: none"> (a) Heritage trees; (b) Specimen trees; (c) Tree groves and associated vegetation that are to be set aside as preserved groves pursuant to WMC 21.50.100; (d) Wildlife habitat regulated under WMC 21.51.410 through 21.51.440; (e) Trees in geologically hazardous areas as regulated under WMC 21.24.290 through 21.51.310; (f) Trees that are more than 75 years old or have a diameter at breast height of at least 20 inches; or (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>A viable tree that is to be retained if feasible.</p>	<p>A tree that is either (a) not viable, or (b) is in an area where removal is unavoidable due to the anticipated development activity.</p>

(C) 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 and Recreation Director and Fire Marshal 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:
 - (A) Pruning of the crown or roots of the tree.
 - (B) Small modifications to the site including but not limited to moving a driveway, parking lot, patio or sidewalk to alleviate the problem.
 - (C) Pruning, bracing, or cabling to reconstruct a healthy crown.
 - (e) 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 Chapter 21.24 WMC). 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 21.50.070(2), which may be modified by the City Tree Official based on the recommendation of a qualified tree professional, if: (i) the lesser number of tree credits will provide equal or better functionality in the critical area; (ii) there is a minimum replanting of 50 percent of the required tree credits; (iii) a coverage analysis is submitted stating that the replanted trees will have equal or better coverage than the trees removed within five years; (iv) understory plantings are also installed; (v) a replanting site plan is submitted, reviewed and approved. Replanted trees 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 Chapter 21.24 WMC 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: (i) replanting an equal number of tree credits in conformance with the tree planting requirements of WMC 21.50.070(2); or (ii) providing a tree inventory documenting that the tree credit density has been met.

21.50.070 Tree removal on single-family sites with no construction. Tree density.

- (1) Sites with No Construction. This section shall apply only to lots located within single-family residential zones (R-1 through R-8) where no exterior construction or demolition, grading, material storage, or other development activity is proposed, and no development permit application is pending or approved for the subject property.
- (2) Performance Requirements. Tree removal on single-family residential zone sites with no construction shall meet the following:
- (a) On any single legal parcel, up to two trees may be removed per 12-month period or four trees per 24-month period. Tree removal shall comply with minimum tree density requirements of this chapter or complete replacement plantings; provided, that no replacement planting or minimum tree density compliance is required for the first two tree removal permits issued under this subsection, regardless of any change in ownership, after December 1, 2016, provided the following is met:
- (i) Tree removal does not include heritage or specimen trees; and
- (ii) Tree removal is located outside of all critical areas and its buffer, NGPA or shared ownership tracts subject to WMC 21.50.090.
- (b) Removal of more than two trees per 12-month period or four trees per 24-month period shall only be permitted under the discretion of the Development Services Director for the purposes of tree thinning or removal of dead, nuisance, hazard trees. Tree thinning is the selective removal of trees to improve health of remaining trees, and shall apply to existing trees planted less than seven feet on-center or at the recommendation of an arborist. Tree removal shall require compliance with the minimum tree density or replacement at a rate of three trees per each removed tree.
- (3) Future Development. Any development triggering a construction permit on a single-family lot shall be required to comply with Chapter 21.50 WMC. If tree removal under this section results in a site that falls below the minimum tree density, supplemental plantings meeting the requirements of WMC 21.50.100 shall be required.
- (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 21.50.020 shall meet the required minimum tree density as follows:
- (i) Sixty tree credits per acre, except as required under subsection (2)(a)(ii) of this section;
- (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 (NGPEs), the tree credits within the NGPE may be counted where the homeowner's association or owner of the NGPE has 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 purposes 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 subsection (2)(f) of this section.
- (ii) The tree credit value that corresponds with diameter at breast height shall be found in Table 21.50.070. 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:
 - (A) Tree species that have a canopy of 34 feet or less in diameter at maturity (small trees), the multiplier shall be 0.75;
 - (B) 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
 - (C) 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 21.50.070 – Tree Density Calculation (Diameter at Breast Height).

Table 21.50.070 – 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

Diameter-at-Breast-Height (inches)		Total Credit
From:	To:	
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:

(A) On Site. The preferred locations for new trees are:

1. In preserved groves, critical areas or their buffers.
2. Adjacent to storm water facilities as approved by the Public Works Director under Chapter 14.09 WMC.
3. 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.
4. Site perimeter.
5. On individual residential building lots.

(B) 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.

(C) 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.

(D) Alternative Compliance. If alternative compliance is proposed, the requirements of WMC 21.50.040 shall apply. The remaining tree credits required shall follow the steps outlined above in subsections (2)(e)(i)(A), (B), and (C) of this section.

(ii) Minimum Size and Tree Density Value for Supplemental Trees. The tree density shall be based on Table 21.50.070 with the multipliers described. The required minimum size of the supplemental tree shall be two-inch diameter-at-breast-height trees for deciduous and evergreen trees. The installation and maintenance shall be pursuant to WMC 21.50.090 and 21.50.100 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 five-year growth rates, and where a two-inch diameter-at-breast-height tree is planted, those trees shall be allowed to count the credit of the tree after the fifth year of growth. This means that if the tree is two inches at the time of planting, but will be eight inches after a five-year period, that tree will be eligible for the eight-inch diameter-at-breast-height tree credit at the time of planting. The

five-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 Level II or III Tree Plan, 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 30 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 Level I or IV Tree Plan, 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 30 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.

21.50.080 Tree removal for subdivisions or short subdivisions. Tree protection during construction.

- (1) Subdivisions and Short Subdivisions. This section applies to tree removal associated with applications for subdivision or short subdivision.
- (2) Performance Requirements. Tree removal on lots undergoing subdivision or short subdivision shall meet all of the following:
 - (a) The overall site must achieve the minimum tree density pursuant to WMC 21.50.060.
 - (b) The site shall retain at least 10 percent of the tree density credits of all existing healthy, viable significant trees within the property boundaries prior to subdivision or construction work.
 - (i) This requirement may be reduced for preservation of groves with five or more trees consistent with WMC 21.50.110.
 - (ii) In certain circumstances where tree removal results in less than 10 percent of tree density credits retained due to site conditions, infrastructure conflicts, or other conditions beyond the applicant's control, the City Tree Official may grant an exception. The applicant shall pay for the remaining tree density credits at double the rate specified in WMC 21.50.100(4)(f) in addition to any other payment required by this chapter.
 - (c) 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.
 - (d) The applicant shall submit a preservation and maintenance agreement for trees located in common areas, including streets, drainage features, parks, or other jointly maintained spaces. The document shall be approved and recorded prior to occupancy, recording, or final inspection.
 - (e) When forest or critical areas are preserved in a Native Growth Protection Area (NGPA) tract pursuant to WMC 21.51.150, any remaining tree credits within the NGPA above the required minimum tree density may be applied towards the entire subdivision. The remaining tree credits will be equally divided among the total number of lots. Where the tree credits in the NGPA have not been determined, the minimum tree density shall apply to each lot within the subdivision.
 - (f) A final arborist report shall be submitted at the end of the project verifying the total trees removed, retained, and planted, prior to release of the performance bond.

(g) Street trees shall be planted shall be planted at an average of 25 feet on center consistent with WMC 2.24.100.

(h) Subdivisions that abut arterial streets shall provide additional tree plantings at a rate of one tree per 25 feet in the street setback for the arterial.

- (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 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:
 - (A) 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.
 - (B) 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.
 - (C) Corrective pruning performed on protected trees in order to avoid damage from machinery or building activity.
 - (D) 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 applicant's 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 WMC 21.50.070 (2).
- (f) Additional Requirements. The City Tree Official may require additional tree protection measures that are consistent with accepted urban forestry industry practices.

21.50.090 Tree removal in critical areas. Installation standards for required tree plantings.

- (1) Tree Removal in Critical Areas. Within critical areas or critical area buffers, only hazard, nuisance, or dead trees may be removed or trimmed. If more than two trees are removed, the City Tree Official may require submittal of a critical areas alteration pursuant to Chapter 21.50 WMC.
 - (a) Tree removal proposed within a NGPA or an area under common ownership shall meet tree density requirements pursuant to WMC 21.50.060. The applicant shall obtain signatures from a majority of owners who hold interest in the land or if applicable, approval from the homeowner's association.
 - (b) The priority action for a tree proposed for removal is to create a "snag" or wildlife tree. If creating a snag or wildlife tree is not feasible, the felled tree shall be left in place.
 - (c) Supplemental trees shall be planted consistent with WMC 21.50.060 and WMC 21.50.100. The requirements may be modified if a qualified tree professional determines to the satisfaction of the City Tree Official that equal or better habitat function and values can be achieved through the following:
 - (i) Native understory plantings are installed;
 - (ii) Invasive species removal is conducted;
 - (iii) A coverage analysis is submitted stating that the replanted trees will have equal or better coverage than the trees removed within fifteen years; and
 - (iv) A replanting plan is submitted.
- (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: (a) 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 (b) 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 Recorder's 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 Chapter 15.42 or 20.06 WMC 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 ensure 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, these 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 21.50.100 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.

21.50.100 Supplemental tree planting requirements. Tree maintenance requirements.

- (1) Supplemental trees. Sites and activities requiring supplemental trees shall be planted to achieve the required minimum tree density. Tree density credits for supplemental trees shall be calculated pursuant to WMC 21.50.060.
- (2) Tree species. The tree species chosen for the supplemental plantings shall either be trees of the same mix of species as the removed trees or mix of species listed in the Woodinville Plant Species List. Trees should be selected and sited to produce a hardy and drought-resistant landscape area.
- (3) Tree size and spacing. The required minimum size for any supplemental tree is two-inch caliper or greater for deciduous species and 6 feet or taller for coniferous species. Trees shall be spaced appropriately based on the Woodinville Plant Species List.
- (4) 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:
 - (a) Adjacent preserved groves, critical areas or its buffers;
 - (b) Adjacent to stormwater facilities, within entrance landscaping, traffic islands, and other common areas in residential subdivisions that have enough area to support mature trees of the planted species;
 - (c) Site perimeter and/or required landscaped setbacks;
 - (d) Individual building lots;
 - (e) Off-site, when room is not available on-site to ensure long-term health and viability for the trees. Trees shall be planted at another location within 2,500 feet of the subject site where the trees were removed and as approved by the City Tree Official; and
 - (f) If trees cannot be planted in accordance with (a) through (e), the applicant may satisfy the requirements by paying into the City Tree Fund 500 dollars per tree credit.
- (5) Installation. All required trees shall be installed according to sound horticultural practices in a manner designed to encourage quick establishment and healthy plant growth.
 - (a) Timing. All trees shall be installed prior to the issuance of a certificate of occupancy or plat recording. The time limit for compliance may be extended to allow installation during the

- next planting season or deferred due to diseased soil or pest infestation. A determination shall be made at the discretion of the City Tree Official. Deferred installation shall be secured with a performance bond pursuant to Chapters 15.42 or 20.60 WMC.
- (b) Placement. All supplemental trees shall be located at least seven feet from the property lines, and shall be installed in the ground and not in aboveground containers.
 - (c) Grading. Berms shall not exceed a slope of two horizontal feet to one vertical foot (2:1).
 - (d) Soil Specification. Soils in planting areas shall have adequate porosity to allow root growth and adequate drainage. Compacted soils shall be loosened 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.
 - (e) Soil Fertility. 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. Additional fertilization shall be the minimum necessary.
 - (f) Irrigation. Irrigation system shall be designed to ensure plant establishment. Irrigation shall be designed to conserve water by using best management techniques available, including, but not be limited to: drip irrigation; moisture sensors; automatic controllers; spacing designed to minimize overspray; and separate zones for different planting areas.
 - (i) Within right-of-ways and common areas, permanent irrigation with an automatic controller shall be installed for tree plantings. Temporary irrigation, providing sufficient water to ensure plant survival and establishment, may be approved at the discretion of the City Tree Official.
 - (ii) For individual residential lots, the applicant may choose permanent irrigation, temporary irrigation, or irrigation by hand.
 - (iii) Modifications to the irrigation requirement may be approved by the City Tree Official for less water-intensive strategies such as planting native vegetation that does not require supplemental irrigation, low impact development, established native plant material, or where natural appearance is acceptable or desirable to the City.
 - (g) Mulch. 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, bark or wood chips, and/or organic compost. All mulches shall be kept at least six inches away from the trunks of shrubs and trees.
 - (h) 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, and root protection barriers, shall be required in the right-of-way or in common areas as needed to protect required trees.
- (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 (1)(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 Chapter 15.42 or 20.60 WMC 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 21.50.060 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 Chapter 21.06 WMC 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 21.50.120. 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 21.50.120. 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 21.50.100 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 and adhere to the ANSI A300 pruning standards.

Table 21.50.100 Pruning Techniques

Healthy Pruning Techniques	Improper Pruning Techniques
Crown Cleaning —removing dead, dying, diseased, crowded, weakly attached, or low vigor branches, in a manner that should not reduce the canopy.	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.
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.	Stripping —removing the branches from the inner section of the trunk or branch. Can cause structural imbalances and potential failure.
Crown Raising —removal of the lower branches of the tree to provide height clearance, typically 8 feet for pedestrians and 16 feet for vehicles.	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.
Windowing —removing several branches symmetrically within an area of the tree's crown to enhance views.	Excessive Pruning —removing portions of the tree to a point where it can kill the tree. Can invite decay and disease.

WMC 21.50.110 Alternative compliance. Prohibited vegetation.

- (1) Additional Density Credits. The applicant may earn additional tree density credits through alternate measures or procedures that will be equal to or better than the provisions in this chapter. If the City

Tree Official determines that the proposal meets the purpose and intent of the code through alternative compliance, the Official may grant tree density credits for alternative measures.

(2) Criteria. The City Tree Official shall review each alternative compliance request based on the following criteria:

- (a) The alternative is designed to ensure the long-term health and maturity of the tree;
- (b) The alternative will provide increased environmental benefits including natural function and values beyond the standard requirements;
- (c) If applicable, the alternative will enhance or improve critical areas or NGPA areas.
- (d) The alternative will not increase soil erosion, slope instability, nor create drainage issues; and
- (e) The alternative provides equivalent or greater compliance with the tree code.

(3) Qualifying Activities. The following activities or strategies may qualify for alternative compliance:

- (a) Retention of specimen or heritage trees and groves of at least five trees may earn up to an additional 10 percent of the tree credits of the subject tree or grove.
- (b) Green roofs may earn up to one tree credit for every 200 square feet up to a maximum of ten tree credits.
- (c) Planting 200 square feet of understory landscaping within the canopy area of each supplemental tree may earn up to 15 percent of the tree credits for the subject tree. Understory landscaping must include shrubs that will mature to a full range of understory plant heights, 18-inches to 15-feet tall or greater.

(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.

21.50.120 Tree protection during construction. Enforcement and penalties.

(1) Tree protection measures shall be installed prior to development activity or initiating tree removal on the site. These standards must be adhered to and included on grading and building plans as necessary. A pre-construction meeting on-site between the City Tree Official and the contractor shall be held prior to site disturbance.

(2) Tree protection measures shall include, but are not limited to, the following:

(a) Protective Barrier. A visible temporary protective fencing extending to the edge of the critical root zone of all retained trees shall be installed prior to site disturbance and maintained until removal is authorized by the City Tree Official. 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. Visible signs spaced no further than 25 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.

(b) Construction Activities. No excavation, storage, parking, construction vehicle access, dumping of toxic or polluted materials, or other potentially damaging activity is allowed within the protective barrier. If construction activity within the protective barrier is unavoidable, the City Tree Official may allow such activities approved by and the following activities under the supervision of a qualified tree professional retained by the applicant:

- (i) Equipment may be authorized to operate within the critical root zone, if no other alternative is feasible. 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.
- (ii) Utility trenches should be located outside of the critical root zone of trees. If utilities must be placed within the critical root zone, a qualified tree professional shall review the proposal to ensure the long-term viability of the trees. The work shall minimize root damage by excavating a two-foot-deep trench, at edge of critical root zone, to cleanly sever the tree roots.
- (iii) Corrective pruning may be performed on protected trees in order to avoid damage from machinery or building activity.

(iv) Site grading within the critical root zone shall be the minimum necessary. The applicant's qualified tree professional shall establish the maximum amount of earthwork allowable in the critical root zone that will not imperil the survival of the tree. Suitability of activities shall be based on construction techniques, erosion potential, damage to the critical root zone, stabilization techniques, and other similar factors.

(c) Exposed Soils. Trees and other vegetation to be retained shall be protected from erosion and sedimentation. Clearing activities 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 covers, and stumps be maintained on the individual lots, where feasible.

(d) 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 WMC 21.50.060.

(e) Additional Requirements. The City Tree Official may require additional tree protection measures that are consistent with accepted urban forestry practices.

~~(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. 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 the administrative code enforcement procedures and special enforcement provisions related to tree conservation set forth below. To the extent there is a conflict between the provisions of this section and Chapter 1.06 WMC, 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, 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 Chapter 2.30 WMC.~~

(6) 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.

(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 21.50.120. 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 21.50.120. 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 21.50.120 — Penalties:

Table 21.50.120 — 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 thereunder 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 21.50.070.

(ii) The minimum size for a tree planted for restoration shall be as required under WMC 21.50.070(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.

21.50.130 Tree maintenance requirements.

(1) The following maintenance requirements apply to all trees planted or preserved consistent with this chapter:

- (a) Responsibility for Regular Maintenance. The applicant, landowner, or successors in interest shall be responsible for the regular maintenance of the trees. Maintenance of all landscaping installed as part of a development project within the right-of-way shall be the responsibility of the abutting property owner unless alternative conditions are approved by the City.
 - (b) Replacement. Trees that are dead and removed shall be replaced in-kind by the property owner, unless the site meets the tree density credit. Plantings shall be replaced within three months or during the next planting season if the loss does not occur in a planting season.
 - (c) Maintenance Duration. Trees shall be maintained for the life of the development. A maintenance guarantee pursuant to Chapter 15.42 or 20.60 WMC shall be secured for a period of three years following the issuance of the certificate of occupancy or plat recording.
 - (d) Maintenance of Preserved Grove. Any applicant who has a grove of trees identified for preservation on a site plan shall provide prior to occupancy or plat recording the legal instrument acceptable to the City to ensure preservation of the grove and associated vegetation. The agreement may be extinguished if the City Tree Official determines that preservation is no longer appropriate.
 - (e) Non-native Invasive and Noxious Plants. It is the responsibility of the property owner to remove non-native invasive plants and noxious plants. 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.
 - (f) Pesticides, Herbicides, and Fertilizer. The use of pesticides, herbicides, or fertilizer shall be by special approval of the City Tree Official only.
- (2) Planting Plans and Utility Plans. Planting plans and utility plans shall be coordinated. In general, the placement of trees should be adjusted based on the tree's mature size and to the location of utility routes both above and below ground.
- (3) Tree Pruning. Topping or pruning to the extent that would constitute tree removal as defined in Chapter 21.06 WMC is prohibited. If a supplemental tree smaller than six inches in diameter-at-breast-height is topped, it must be replaced pursuant to the standards in WMC 21.50.100. If a supplemental tree six inches or larger in diameter-at-breast-height is topped, the property owner may be subject to enforcement actions pursuant to WMC 21.50.140. Trees may be windowed or limbed up using best management practices. This method of tree pruning shall maintain the health of the tree.
- (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 and adhere to the ANSI A300 pruning standards.

Table 21.50.130(4) – Pruning Techniques

<u>Healthy Pruning Techniques</u>	<u>Improper Pruning Techniques</u>
<u>Crown Cleaning</u> – removing dead, dying, diseased, crowded, weakly attached, or low-vigor branches, in a manner that should not reduce the canopy.	<u>Topping</u> – 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.
<u>Crown Thinning</u> – selective removal of branches throughout the crown of the tree to improve interior light and air. Remaining branches should be well-distributed and balanced.	<u>Stripping</u> – removing the branches from the inner section of the trunk or branch. Can cause structural imbalances and potential failure.
<u>Crown Raising</u> – removal of the lower branches of the tree to provide height clearance, typically 8 feet for pedestrians and 16 feet for vehicles.	<u>Imbalance</u> – 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.
<u>Windowing</u> – removing several branches symmetrically within an area of the tree’s crown to enhance views.	<u>Excessive Pruning</u> – removing portions of the tree to a point where it can kill the tree. Can invite decay and disease.

21.50.140 Enforcement and penalties.

- (1) **Authority.** It shall be the duty of the City Tree Official, or designee, to administer the provisions of this chapter. Enforcement shall be conducted in accordance with the administrative code enforcement procedures and special enforcement provisions related to tree conservation set forth below. To the extent there is a conflict between the provisions of this section and Chapter 1.06 WMC, this section shall control.
- (2) **Voluntary Compliance.** Voluntary compliance is the preferred method of enforcement. The following remedies should only be pursued when voluntary compliance is not effective or when other requirements are stipulated elsewhere in the code.
- (3) **Cease and Desist.** The City Tree Official may issue a notice to cease and desist 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.
- (4) **Stop Work Order.** If a violation of this chapter occurs on property where development activity is taking place, the City Tree Official may suspend some or all of the work through issuance of a stop work order. The City Tree Official shall remove the stop work order when the Official determines that the violation has been corrected or when an agreement has been reached with the violator to remedy the violation.
- (5) **Notification of Infraction.** A Notice of Infraction may be issued pursuant to WMC 1.06.060. The notification shall include a statement of the restoration action required to correct the violation as determined by the City Tree Official.
- (6) **Civil Penalty.** A person who fails to comply with the requirements of this chapter or the terms of a permit issued hereunder, shall be subject to a civil penalty of \$1,000 per tree for unlawful removal of trees, including removal without obtaining permits, removal prior to issuance of tree removal permit, or other acts violating an approved tree protection plan. Each unlawfully removed or damaged tree shall constitute a separate violation.
 - (a) **Any person who aids or abets in the violation shall be considered to have committed a violation for purposes of the civil penalty.**
 - (b) **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.**

- (7) Tree Restoration. A restoration plan and arborist report shall be submitted that 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). The restoration plan shall be prepared in accordance with WMC 21.50.070 and include supplemental trees equal to the number of tree credits illegally removed.
- (a) In the event the violators cannot restore the unlawfully removed or damaged trees due to 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 as calculated in WMC 21.50.100(4)(f).
 - (b) Violators of this chapter or of a permit issued thereunder shall be responsible for restoring unlawfully damaged areas in conformance with this chapter.
 - (c) In cases where the violator intentionally or knowingly violated this chapter or committed previous violations of this chapter, restoration costs shall be paid at the discretion of the City Tree Official. Restoration costs 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.
- (8) Failure to Restore or Pay Fines. 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.

Section 3. Amendment to Chapter 21.11.100, Technical Terms and Land Use

Definitions, and the corresponding portions of Ordinance No. 611 § 8 and Ordinance No. 634 § 23 are hereby amended to read as set forth below. New text is shown by underline; deleted text is shown by ~~strikethrough~~; all other provisions of this section shall remain unchanged and in full force:

Hazard tree. Hazard tree: A tree with a combination of structural defects and/or disease that makes it subject to a high probability of failure; the part with high probability of failure is in the proximity to moderate-high frequency of persons or property; and the hazard condition of the tree cannot be lessened with reasonable and proper arboricultural practices nor can the persons or property be moved.

Hazardous household substance. Hazardous household substance: a substance as defined in RCW 70.105.010.

Hazardous materials or substance. Hazardous materials or substance: any hazardous waste, hazardous substance, dangerous waste, or extremely hazardous waste that is a physical or health hazard as defined and classified in Chapter 70.105 RCW and Chapter 173-303 WAC, whether the materials are in usable or waste condition.

Hearing Examiner. Hearing Examiner: the zoning and subdivision examiner as established by City of Woodinville Chapter 2.27 WMC.

Heavy equipment repair. Heavy equipment repair: the repair and maintenance of self-powered, self-propelled or towed mechanical devices, and equipment and vehicles used for commercial purposes:

- (1) Including:
 - (a) Tandem axel trucks;
 - (b) Graders;
 - (c) Backhoes;

- (d) Tractor trailers;
- (e) Cranes; and
- (f) Lifts; but
- (2) Excluding:
 - (a) Automobiles;
 - (b) Recreational vehicles; and
 - (c) Boats and their trailers.

Height, wireless service facilities. Height, wireless service facilities: for personal wireless service facilities, “height” means the vertical distance measured from existing unaltered ground level to the highest point on the communication facility, including the antenna or antenna array.

Helistop. Helistop: an area on a roof or on the ground used for the takeoff and landing of helicopters for the purpose of loading or unloading passengers or cargo but not including fueling service, hangers, maintenance or overhaul facilities.

Heritage tree. Heritage tree: a tree or stand of trees that is particularly desirable because it has valued, unique characteristics that set them apart from other similar trees. Valued, unique characteristics include uncommon genus, species, form, size, location, historic significance or other desirable feature(s).

Hobby, toy, and game shop. Hobby, toy, and game shop: an establishment engaged in the retail sale of toys, games, hobby and craft kits, including uses located in NAICS Industry Nos.:

- (1) 45112 – Hobby, toy and game shops; and
- (2) 453998 – Limited to collectors items (e.g., autograph, coin, card and stamp shops).

Home industry. Home industry: a limited-scale sales, service or fabrication activity undertaken for financial gain, which occurs in a dwelling unit or residential accessory building, or in a barn or other resource accessory building and is subordinate to the primary use of the premises as a residence or farm.

Home occupation. Home occupation: a limited-scale service or fabrication activity undertaken for financial gain, which occurs in a dwelling unit and is subordinate to the primary use of the premises as a residence.

Household pets. Household pets: small animals that are kept within a dwelling unit.

Hydroelectric generation facility. Hydroelectric generation facility: an establishment for the generation of electricity using water sources.

Section 4. Amendment to Chapter 21.11.160, Technical Terms and Land Use Definitions, and the corresponding portions of Ordinance No. 611 § 8 are hereby amended to read as set forth below. New text is shown by underline; deleted text is shown by ~~strikethrough~~; all other provisions of this section shall remain unchanged and in full force:

Native vegetation. Native vegetation: vegetation comprised of plant species, other than noxious weeds, which are indigenous to the coastal region of the Pacific Northwest and which reasonably could have been expected to naturally occur on the site.

Native growth protection area (NGPA). Native growth protection area (NGPA): an area where native vegetation is preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining slope stability, buffering and protecting plants and animal habitat.

Naturalized species. Naturalized species: nonnative species of vegetation that are adaptable to the climatic conditions of the coastal region of the Pacific Northwest.

Neighborhood electric vehicle. Neighborhood electric vehicle: a self-propelled, electrically powered four-wheeled motor vehicle whose speed attainable in one mile is more than 20 miles per hour and not more than 25 miles per hour and conforms to federal regulations under 49 CFR 571.500.

Nonconformance. Nonconformance: any use, improvement or structure established in conformance with City of Woodinville or County rules and regulations in effect at the time of establishment that no longer conforms to the range of uses, improvements, critical area and critical area buffer requirements permitted in the site's current zone or to the current development standards of the code due to changes in the code or its application to the subject property.

Non-hydroelectric generation facility. Non-hydroelectric generation facility: an establishment for the generation of electricity by nuclear reaction, burning fossil fuels, or other electricity generation methods.

Noxious weed. Noxious weed: any plant which is highly destructive, competitive or difficult to control by cultural or chemical practices, limited to those plants on the State noxious weed list contained in Chapter 16-750 WAC.

Nuisance Tree. Nuisance tree: A tree that causes physical damage to private or public structures; has been damaged by past maintenance practices that cannot be corrected; is chronically diseased or infested; overplanted or overcrowded; part of a dense grove creating safety concerns or excessively obstructing sunlight.

Section 5. Amendment to Chapter 21.11.210, Technical Terms and Land Use Definitions. and the corresponding portions of Ordinance No. 611 § 8 are hereby amended to read as set forth below. New text is shown by underline; deleted text is shown by ~~strikethrough~~; all other provisions of this section shall remain unchanged and in full force:

Salmonid. Salmonid: a species of fish of the Salmonidae family, including: salmon, trout, char, whitefishes, and graylings. The species of the Salmonidae family found within the City of Woodinville include, but are not limited to, the following:

- (1) *Oncorhynchus clarkii* – Cutthroat trout
- (2) *Oncorhynchus gorbuscha* – Pink salmon
- (3) *Oncorhynchus keta* – Keta or chum salmon
- (4) *Oncorhynchus kisutch* – Coho salmon
- (5) *Oncorhynchus nerka* – Sockeye and kokanee salmon
- (6) *Oncorhynchus tshawytscha* – Chinook salmon
- (7) *Oncorhynchus mykiss* – Rainbow and steelhead trout
- (8) *Salvelinus confluentus* – Bull trout and Dolly Varden

School bus base. School bus base: an establishment for the storage, dispatch, repair and maintenance of coaches and other vehicles of a school transit system.

School district. School district: any school district whose boundaries include an area of the City.

School district support facility. School district support facility: uses (excluding schools and bus bases) that are required for the operation of a school district. This term includes school district administrative offices, centralized kitchens, and maintenance or storage facilities.

Schools, elementary, and middle/junior high. Schools, elementary, and middle/junior high: institutions of learning offering instruction in the several branches of learning and study required by the

Education Code of the State of Washington in grades kindergarten through nine, including associated meeting rooms, auditoriums and athletic facilities.

Schools, preschool. Schools, preschool: establishments providing exclusively educational programs for prekindergarten or preschool children (ages two through five), but excluding daycare as defined by WMC 21.11.060, Daycare.

Schools, secondary or high school. Schools, secondary or high school: institutions of learning offering instruction in the several branches of learning and study required by the Education Code of the State of Washington in grades nine through 12, including associated meeting rooms, auditoriums and athletic facilities.

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.

Secure community transition facilities. Secure community transition facilities: 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.

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

Self-service storage facility. Self-service storage facility: an establishment containing separate storage spaces that are leased or rented as individual units.

Setback. Setback: the minimum required distance between a structure and a lot line, access easement boundary, sensitive buffer or other buffer line that is required to remain free of structures.

Setback, interior. Interior setback: the setback extending from the interior lot line to a line parallel to and measured perpendicularly from the interior lot lines at the depth prescribed for each zone.

Setback, street. Street setback: the setback required between a structure and a street, measured pursuant to WMC 21.21.050 at the depth prescribed for each zone.

Sewer, public. Sewer, public: a sewage disposal system directly controlled by public authority.

Sexually oriented business. Sexually oriented business: See WMC 21.25.030 for the definition of sexually oriented business. It shall not include any play, opera, musical or other dramatic works that are not obscene; classes, seminars or lectures held for serious, scientific or educational purposes that are not obscene; or exhibitors, performances, expressions or dances that are not obscene.

Shooting range. Shooting range: a facility designed to provide a confined space for safe target practice with fire- arms, archery equipment, or other weapons.

Short plat. Short plat: the map or representation of a short subdivision.

Short subdivision. Short subdivision: the division or re-division of land, creating four or fewer lots.

Sign. Sign: any device, structure, fixture, or placard that is visible from a public right-of-way or surrounding properties and uses graphics, symbols, logos, or written copy for the purpose of advertising or identifying any establishment, product, goods, service or event.

Sign, animated. Sign, animated: any sign that includes action or motion or the optical illusion of action or motion or color changes of all or any part of the sign.

Sign, building. Sign, building: any sign that is painted on, or attached directly to or supported by, an exterior building wall, fence, or gate; including facade signs, awning signs, canopy signs, and marquees, but excluding window signs. Signs that are located at the entrance to an outdoor eating and drinking area or outdoor garden merchandise area shall be treated as a building sign.

Sign, changing message center. Sign, changing message center: an electrically controlled sign that contains messages for date, time, and temperature only which changes at intervals of one minute or less.

Sign, community bulletin board. Sign, community bulletin board: a permanent sign used to notify the public of community events, public services, or jobs, and which contains no commercial advertising.

Sign, directional. Sign, directional: a sign designed to guide or direct pedestrian or vehicular traffic to an area, place or convenience, and may include incidental graphics such as trade names and trademarks.

Sign frame. Sign frame: an enclosing structure or case around or supporting a sign.

Sign, freestanding. Sign, freestanding: a sign standing directly upon the ground or having one or more supports standing directly upon the ground, and being detached from any building or similar structure.

Sign, fuel price. Sign, fuel price: a sign utilized to advertise the price of gasoline and/or diesel fuel.

Sign, human held. Sign, human held: a sign held, worn, or waved by humans.

Sign, incidental. Sign, incidental: a sign, emblem or decal designed to inform the public of goods, facilities, or services available on the premises, and may include, but not be limited to, signs designating:

- (1) Restrooms;
- (2) Hours of operation;
- (3) Acceptable credit cards;
- (4) Property ownership or management; (5) Phone booths;
- (5) Recycling containers; (7) ATM machines; and
- (6) Employment signs.

Sign, indirectly illuminated. Sign, indirectly illuminated: a sign that is illuminated entirely from an external artificial source.

Sign, monument. Sign, monument: a freestanding sign that is above ground level and is anchored to the ground by a solid base, with no open space between the sign and the ground.

Sign mounting. Sign mounting: a support, backing, or setting for a sign.

Sign, nonconforming. Sign, nonconforming: any existing permanent, legally erected, on-premises sign which does not comply with the current requirements of Chapter 21.35 WMC.

Sign, off-premises directional. Sign, off-premises directional: a sign which contains no advertising of a commercial nature which is used to direct pedestrian or vehicular traffic circulation to a facility, service or business located on other premises within 660 feet of the sign.

Sign, on-premises. Sign, on-premises: a sign which displays a message which is incidental to and directly associated with the use of the property on which it is located.

Sign, permanent residential development identification. Sign, permanent residential development identification: a permanent, freestanding sign identifying the residential development upon which the sign is located.

Sign, political. Sign, political: a sign which solely and exclusively advertises a candidate, an elective or appointive office, a political party, or promotes a position on a public, social or ballot issue.

Sign, portable. Sign, portable: a sign which is capable of being moved and is not permanently affixed to the ground, a structure or building, such as an A-frame sign.

Sign, projecting. Sign, projecting: any sign, other than a flat wall sign, which is attached to and projects vertically more than one foot from the wall of a building or other structure.

Sign, reader board. Sign, reader board: a sign face consisting of tracks to hold readily changeable letters, allowing frequent changes of copy manually.

Sign, recommended face background colors. Sign, recommended face background colors: colors recommended by the City for use on the sign face background of freestanding signs and building signs. Sign, recommended face background colors are defined using the Pantone color system as a reference, as follows:

Red Pantone Nos. 181, 188, 194, 202, 208, 216, 222, 229, 235, 242, 262, 478, 483, 506, 518 or darker or duller (more black or green added to the color).

Yellow/ Brown Pantone Nos. 133, 140, 147, 154, 161, 168, 174, 464, 469, 478, 491, 499 or darker or duller (more black or violet added to the color).

Blue Pantone Nos. 269, 276, 281, 289, 296, 302, 309, 533, 540, 548 or darker or duller (more black or orange added to the color).

Green Pantone Nos. 316, 322, 329, 336, 343, 554, 562, 567, 574 or darker or duller (more black or red added to the color).

Gray Pantone Nos. 404, 409, 416, 425, 431, 437, 444, 450 or darker or duller (more black added to the color).

Sign, required frame colors. Sign, required frame colors: colors required by the City for use on the frames of freestanding signs. Required frame colors include white and cream or are defined using the Pantone color system as a reference, as follows:

Red Pantone Nos. 181, 188, 194, 202, 208, 216, 222, 229, 235, 242, 262, 478, 483, 506, 518 or darker or duller (more black or green added to the color).

Yellow/ Brown Pantone Nos. 133, 140, 147, 154, 161, 168, 174, 464, 469, 478, 491, 499 or darker or duller (more black or violet added to the color).

Blue Pantone Nos. 269, 276, 281, 289, 296, 302, 309, 533, 540, 548 or darker or duller (more black or orange added to the color).

Green Pantone Nos. 316, 322, 329, 336, 343, 554, 562, 567, 574 or darker or duller (more black or red added to the color).

Gray Pantone Nos. 404, 409, 416, 425, 431, 437, 444, 450 or darker or duller (more black added to the color).

Sign, wayfinding. Sign, wayfinding: an off-premises sign that is part of a City-sponsored and coordinated program for the purpose of facilitating vehicular tourist transit to local tourist destinations as designated and recognized by the City's Wayfinding Sign Program.

Sign, window. Sign, window: any sign located inside or on, affixed to, or located within three feet of a window of a building, whether temporary or permanent, lighted or unlighted, which may be viewed from the exterior of the building. Merchandise located within three feet of a window is not included in the definition unless the merchandise blocks more than one third of the window.

Significant tree. Significant tree: an existing healthy tree which has a minimum diameter-at-breast-height of six inches, as measured according to the most current published edition of the International Society of Arboriculture's "Guide for Plant Appraisal."

Signs or displays of limited duration. Signs or displays of limited duration: any sign, banner, pennant, or advertising display intended to be displayed for a limited time period. Easily removed signs attached to windows are considered temporary signs. Signs of limited duration can be manually removed without the use of tools or equipment.

Site cost per student. Site cost per student: the estimated cost of a site in the district for the grade span of school to be provided, as a function of the district's design standard per grade span and taking into account the requirements of students with special needs.

Snag or wildlife tree. Snag or wildlife tree. The remaining trunk of a tree that is intentionally reduced in height and intended to provide habitat value.

Soil recycling/incineration facility. Soil recycling/incineration facility: an establishment engaged in the collection, storage and treatment of contaminated soils to remove and reuse organic contaminants.

Special event. Special event: any event meeting the definition of special event found in WMC 8.12.020(1). Special events may include, but are not limited to: fun runs, races on foot, bicycle, or roller-skates, other athletic events, fundraising events, auctions, bike-a-thons, parades, political demonstrations, carnivals, shows or exhibitions, film-making, circuses, block parties and fairs.

Special use permit. Special use permit: a permit granted by the City to locate an essential public facility or a regional land use at a particular location, subject to conditions placed on the proposed use to ensure compatibility with adjacent land uses.

Specialized instruction school. Specialized instruction school: establishments engaged in providing specialized instruction in a designated field of study, rather than a full range of courses in unrelated areas, including, but not limited to:

- (1) Art;
- (2) Dance;
- (3) Music;
- (4) Cooking;
- (5) Driving; and
- (6) Pet obedience training.

Species, endangered. Endangered species: any fish or wildlife species that is threatened with extinction throughout all or a significant portion of its range and is listed by the State or Federal government as an endangered species.

Species of local importance. Species of local importance: those species of local concern due to their population status or their sensitivity to habitat manipulation.

Species, threatened. Threatened species: any fish or wildlife species that is likely to become an endangered species within the foreseeable future throughout a significant portion of its range without cooperative management or removal of threats, and is listed by the State or Federal government as a threatened species.

Specified sexual activities. Specified sexual activities: human genitalia in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; or erotic fondling, touching or display of human genitalia, pubic region, buttock, or female breast.

Specimen tree. Specimen tree: a viable tree that is considered in very good to excellent health and free of major defects, as determined by the City's Tree Official.

Sporting goods store. Sporting goods store: an establishment engaged in the retail sale of sporting goods and equipment, including uses located in NAICS Industry Nos.:

- (1) 451110 – Sporting goods stores and bicycle shops; and
- (2) 453998 – Limited to trophy shops.

Sports club. Sports club: an establishment engaged in operating physical fitness facilities and sports and recreation clubs, including uses located in NAICS Industry Nos.:

- (1) 71394 – Physical fitness facilities; and
- (2) 7139 – Membership sports and recreation clubs.

Stable. Stable: a structure or facility in which horses or other livestock are kept for:

- (1) Boarding,
- (2) Training;
- (3) Riding lessons;
- (4) Breeding;
- (5) Rental; or
- (6) Personal use.

Standard of service, school. Standard of service, school: the standard adopted by each school district which identifies the program year, the class size by grade span and taking into account the requirements of students with special needs, the number of classrooms, the types of facilities the district believes will best serve its student population, and other factors as identified by the school district. The district's standard of service shall not be adjusted for any portion of the classrooms housed in relocatable facilities which are used as transitional facilities or for any specialized facilities housed in relocatable facilities. Except as otherwise defined by the school board pursuant to a board resolution, transitional facilities shall mean those facilities that are used to cover the time required for the construction of permanent facilities; provided, that the "necessary financial commitments" as defined in Chapter 21.81 WMC are in place to complete the permanent facilities called for in the capital plan.

Stream functions. Stream functions: natural processes performed by streams including functions which are important in facilitating food chain production, providing habitat for nesting, rearing and resting sites for aquatic, terrestrial and avian species, maintaining the availability and quality of water, such as purifying water, acting as recharge and discharge areas for groundwater aquifers, moderating surface and

storm water flows and maintaining the free flowing conveyance of water, sediments and other organic matter.

Streams. Streams: those areas in the City of Woodinville where surface waters produce a defined channel or bed, not including irrigation ditches, canals, storm or surface water run-off devices or other entirely artificial watercourses, unless they are used by salmonids or are used to convey streams naturally occurring prior to construction in such water- courses. For the purpose of this definition, a defined channel or bed is an area which demonstrates clear evidence of the passage of water and includes, but is not limited to, bedrock channels, gravel beds, sand and silt beds and defined-channel swales. The channel or bed need not contain water year-round.

Street. Street: a public or recorded private thoroughfare providing the main pedestrian and vehicular access through neighborhoods and communities and to abutting property.

Street banner. Street banner: a temporary sign without mechanical or electrical devices made of cloth or similar non-rigid materials suspended with rope or cable over the public street right-of-way.

Street frontage. Street frontage: any portion of a lot or combination of lots which directly abut a public right-of-way.

Street/utility pole. Street/utility pole: telephone, utility/electric, cable television, or street light poles located within a public right-of-way.

Structure. Structure: anything permanently constructed in or on the ground, or over the water; including rockeries and retaining walls over four feet and signs, but excluding fences less than six feet in height and decks less than 18 inches above grade; or paved areas, and excluding structural or nonstructural fill.

Student factor. Student factor: the number derived by a school district to describe how many students of each grade span are expected to be generated by a dwelling unit. Student factors shall be based on district records of average actual student generated rates for new developments constructed over a period of not more than five years prior to the date of the fee calculation; if such information is not available in the district, data from adjacent districts, districts with similar demographics, or County-wide averages must be used. Student factors must be separately determined for single family and multifamily dwelling units, and for grade spans.

Subdivision. Subdivision: the division of land, creating five or more lots.

Submerged land. Submerged land: any land at or below the ordinary high water mark.

Substantial improvement. Substantial improvement: any maintenance, repair, structural modification, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the maintenance, repair, modification or addition is started or before the damage occurred, if the structure has been damaged and is being restored.

Section 6. Amendment to Chapter 21.11.220, Technical Terms and Land Use Definitions, and the corresponding portions of Ordinance No. 611 § 8 are hereby amended to read as set forth below. New text is shown by underline; deleted text is shown by ~~strikethrough~~; all other provisions of this section shall remain unchanged and in full force:

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.

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

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.

Tightline to a sewer. Tightline to a sewer: a sewer trunk line designed and intended specifically to serve only a particular facility or place, and whose pipe diameter should be sized appropriately to ensure service only to that facility or place. It may occur outside the local service area for sewers, but does not amend the local service area.

Traffic impact, direct. Traffic impact, direct: any increase in vehicle traffic generated by a proposed development which equals or exceeds 10 peak hour, peak direction vehicle trips on any roadway or intersection.

Trails. Trails: manmade pathways designed and intended for use by pedestrians, bicyclists, equestrians, and/or recreational users

Transfer station. Transfer station: a staffed collection and transportation facility used by private individuals and route collection vehicles to deposit solid waste collected off-site into larger transfer vehicles for transport to permanent disposal sites; and may also include recycling facilities involving collection or processing for shipment.

Transit base. Transit base: an establishment for the storage, dispatch, repair and maintenance of coaches, light rail trains, and other vehicles of a public transit system.

Transit-oriented housing development. Transit-oriented housing development: a public or public/private land use development which:

- (1) Directly supports mass transit use through an on-site public park-and-ride at an existing public park-and-ride facility owned, leased, and/or operated by a public transit service provider;
- (2) Facilitates pedestrian and bicycle access to the site through direct connections to non-motorized transportation networks and surrounding pedestrian facilities;
- (3) Contains both ownership and rental residential dwellings;
- (4) Contains commercial uses; and
- (5) Includes a portion of its dwelling units as below market rate housing.

Transit park and ride lot. Transit park and ride lot: vehicle parking specifically for the purpose of access to a public transit system.

Transmission equipment, electronic. Transmission equipment, electronic: equipment, such as antennas and satellite, or point-to-point microwave dishes, that transmit or receive radio signals.

Transmission structure. Transmission structure: a structure intended to support transmission equipment or function as an antenna for AM radio or an earth station satellite dish antenna. The term does not include brackets, platforms, or other apparatus which mount transmission equipment onto transmission structures, buildings or other structures.

Tree. Tree: a self-supporting woody perennial plant characterized by one main trunk, or for certain species, multiple trunks, with a potential at maturity for a diameter-at-breast-height of at least two inches and a height of at least 10 feet.

Tree grove. Tree grove: a cluster or stand of at least five trees of any size or species, whose driplines touch.

Tree removal. Tree removal: the removal of a tree, through either direct or indirect actions, including but not limited to: (1) clearing, damaging or poisoning resulting in an unhealthy or dead tree; (2) removal of at least half of the live crown; or (3) damage to roots or trunk that is likely to destroy the tree's structural integrity.

Section 7. Amendment to Chapter 21.11.240, Technical Terms and Land Use Definitions. and the corresponding portions of Ordinance No. 611 § 8 are hereby amended to read as set forth below. New text is shown by underline; deleted text is shown by ~~strikethrough~~; all other provisions of this section shall remain unchanged and in full force:

Variance. Variance: an adjustment in the application of standards of a zoning code to a particular property.

Vegetation. Vegetation: any and all plant life growing at, below or above the soil surface.

Veterinary clinic. Veterinary clinic: a licensed clinic, hospital, or doctor's office providing veterinary care to pets, small animals, and livestock.

Viable tree. Viable tree: a significant tree that a qualified tree professional has determined to be in good health, not classified as a hazard or nuisance tree, with a low risk of failure due to structural defects, is relatively windfirm ~~if isolated or remains as part of a grove,~~ and is a species suitable for its location.

Vocational school. Vocational school: establishments offering training in a skill or trade to be pursued as a career, including uses located in NAICS Industry Group Nos.:

- (1) 61151 – Apprenticeship training; and
- (2) 61121 – Junior colleges.

Section 8. 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

Section 9. Copy to Department of Commerce. Pursuant to RCW 36.70A.106(3), the City Clerk is directed to send a copy of this ordinance to the State Department of Commerce for its files within ten days after adoption of this ordinance.

Section 10. Effective Date. This Ordinance shall become effective December 1, 2016. The City Clerk is directed to publish a summary of this ordinance at the earliest possible publication date by publication of the ordinance title.

ADOPTED BY THE CITY COUNCIL AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 15th DAY OF NOVEMBER, 2016.

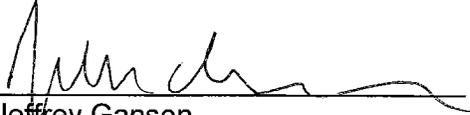

Bernard Talmas, Mayor

ATTEST/AUTHENTICATED:



Jennifer Kuhn
City Clerk/CMC

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY



Jeffrey Ganson
City Attorney

PASSED BY THE CITY COUNCIL: 11/15/2016
PUBLISHED: 11/21/2016
EFFECTIVE DATE: 12/01/2016
ORDINANCE NO. 589



STATE OF WASHINGTON

DEPARTMENT OF COMMERCE

1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

November 17, 2016

Jennifer Kuhn
City Clerk
City of Woodinville
17301 - 133rd Avenue Northeast
Woodinville, Washington 98072

Dear Ms. Kuhn:

Thank you for sending the Washington State Department of Commerce (Commerce) the following materials as required under RCW 36.70A.106. Please keep this letter as documentation that you have met this procedural requirement.

City of Woodinville - Adopted Ordinance No. 622 concerning the city landscape code; adopting findings; amending Chapter 21.11 and Chapter 21.43 WMC; making findings of fact and the following amendments; providing for severability; establishing an effective date and for summary publication by title only. These materials were received on November 17, 2016 and processed with the Material ID # 23092.

City of Woodinville - Adopted Ordinance No. 589 concerning the city tree code; adopting findings; amending Chapter 21.11 and Chapter 21.50 WMC; making findings of fact and the following amendments; providing for severability; establishing an effective date and for summary publication by title only. These materials were received on November 17, 2016 and processed with the Material ID # 23093.

We have forwarded a copy of this notice to other state agencies.

If this submitted material is an adopted amendment, then please keep this letter as documentation that you have met the procedural requirement under RCW 36.70A.106.

If you have submitted this material as a draft amendment, then final adoption may occur no earlier than January 14, 2017. Please remember to submit the final adopted amendment to Commerce within ten (10) days of adoption.

If you have any questions, please contact Growth Management Services at reviewteam@commerce.wa.gov, or call Dave Andersen (509) 434-4491.

Sincerely,

Review Team
Growth Management Services