

ORDINANCE NO. 622

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, 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.

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 study sessions on January 23, 2013, February 27, 2013, April 17, 2013, May 22, 2013, September 25, 2013, November 27, 2013, January 22, 2014, May 28, 2014, June 25, 2014, March 25, 2015, April 22, 2015, May 27, 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 a study session on November 18, 2015 and at a public hearing on January 6, 2016, February 3, 2016, March 16, 2016, and May 4, 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 21.85.130; 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. As part of the tree code update process, applicability of the tree code (Chapter 21.50 WMC) and the landscape code (Chapter 21.43 WMC) were divided based on zoning districts. Amendments to the landscaping code were proposed to

address tree and landscaping retention on commercial, industrial, multi-family and institutional zones. The amendment updates the purpose statement, clarifies applicability to commercial, industrial, multi-family and institutional zones, adds application submittal requirements, clarifies compliance levels for landscape modifications, 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. SEP15016) 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 twelve study sessions between 2013 and 2015, the dates are as follows: January 23, 2013, February 27, 2013, April 17, 2013, May 22, 2013, September 25, 2013, November 27, 2013, January 22, 2014, May 28, 2014, June 25, 2014, 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 a study session on November 18, 2015, and public hearings on January 6, 2016, February 3, 2016, March 16, 2016 and May 4, 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 3, 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. 622 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 to Chapter 21.11.040, Technical Terms and Land Use

Definitions. and the corresponding portions of Ordinance No. 611 § 8 and Ordinance No. 634 § 22 are hereby amended as set forth below. New text is shown by underline; deleted text is shown by ~~strikethrough~~; all other provisions of these chapters shall remain unchanged and in full force and effect.

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

Base flood elevation. Base flood elevation: the water surface elevation of the base flood in relation to the National Geodetic Vertical Datum of 1929.

Basement. Basement: any area of a building having its floor subgrade (below ground level) on all sides. That portion of a building that is partly or entirely below grade and intended as building square footage and used for habitation, storage, or parking.

Battery charging station. Battery charging station: an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or

exceed any standards, codes, and regulations set forth by Chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

Battery electric vehicle (BEV). Battery electric vehicle (BEV): any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries, and produces zero tailpipe emissions or pollution when stationary or operating.

Battery exchange station. Battery exchange station: a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by Chapter 19.27 RCW and consistent with rules adopted under RCW 19.27.540.

Bed and breakfast. Bed and breakfast: a dwelling unit or accessory building within which bedrooms are available for paying guests.

Beehive. Beehive: a structure designed to contain one colony of honey bees (*Apis mellifera*).

Best available science. Best available science: current scientific information used in the process to designate, protect, or restore critical areas that is derived from a valid scientific process as defined by WAC 365-195-900 through 365-195-925. Sources of best available science are included in "Citations of Recommended Sources of Best Available Science for Designated and Protecting Critical Areas" published by the State Office of Community Development.

Billboard. Billboard: a sign, including both the supporting structural framework and attached billboard faces, used principally for advertising a business activity, use, product, or service unrelated to the primary use or activity of the property on which the billboard is located; excluding off-premises directional, or temporary real estate signs.

Billboard face. Billboard face: that portion of a billboard, exclusive of its structural support, on which changeable advertising copy is displayed, either by affixing preprinted poster panels or by painting copy on location; sub-classified as follows:

- (1) Billboard face I – a billboard face not exceeding a height of 14 feet or a width of 48 feet; and
- (2) Billboard face II – a billboard face not exceeding a height of 12 feet or a width of 24 feet.

Binding site plan. Binding site plan: a drawing to a scale of no smaller than one inch to 100 feet which:

- (1) Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by local regulations;
- (2) Contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the City of Woodinville; and
- (3) Contains provisions making any development be in conformity with the site plan.

Biologist. Biologist: a person who has earned at least a Bachelor of Science degree in the biological sciences from an accredited college or university or who has equivalent educational training and experience.

Bioretention. Bioretention: a stormwater best management practice consisting of a shallow landscaped depression designed to temporarily store and promote infiltration of stormwater runoff. Standards for bioretention design, including soil mix, plants, storage volume and feasibility criteria, are specified in Appendix C of the King County Surface Water Design Manual.

Block. Block: a group of lots, tracts, or parcels within well defined and fixed boundaries.

Book, stationery, video and art supply store. Book, stationery, video and art supply store: an establishment engaged in the retail sale of books and magazines, stationery, records and tapes, video and art supplies, including uses located in NAICS Industry Nos.:

- (1) 451211 – Book stores;
- (2) 45321 – Stationery stores;
- (3) 453998 – Limited to art supply and architectural supply stores;
- (4) 53223 – Video tape rental;
- (5) 45122 – Record and prerecorded tape stores; and
- (6) 45114 – Musical instrument stores.

~~**Broadleaf tree.** Broadleaf tree: a tree characterized by leaves that are broad in width and may include both deciduous and evergreen species.~~

Buffer, critical area. Buffer, critical area: a designated area contiguous to and protective of a critical area that is required for the continued maintenance, functioning, and/or structural stability of a critical area.

Building. Building: any structure having a roof.

Building, hardware and garden materials. Building, hardware and garden materials: an establishment engaged in selling lumber and other building materials, feed, and lawn and garden supplies, including but not limited to uses located in NAICS Major Group No. 444 – Building materials, hardware, garden supply.

Building coverage. Building coverage: area of a lot that is covered by the total horizontal surface area of the roof of a building.

Building envelope. Building envelope: area of a lot that delineates the limits of where a building may be placed on the lot.

Building facade. Building facade: that portion of any exterior elevation of a building extending from the grade of the building to the top of the parapet wall or eaves, for the entire width of the building elevation.

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

Building Official. Building Official: the officer or other designated authority charged with the administration and enforcement of construction codes.

Bulk retail. Bulk retail: an establishment offering the sale of bulk goods to the general public, including limited sales to wholesale customers. These establishments may include a variety of lines of merchandise such as: food, building, hardware and garden materials, dry goods, apparel and accessories, home furnishings, housewares, drugs, auto supplies, hobby, toys, games, photographic, and electronics.

Section 3. Amendment to Chapter 21.11.120, Technical Terms and Land Use

Definitions, and the corresponding portions of Ordinance No. 611 § 8 and Ordinance No. 589 § 5 are hereby amended to read as set forth below. New text is shown by underline; deleted text is shown by ~~striketrough~~; all other provisions of these chapters shall remain unchanged and in full force and effect.

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.

Shrub. Shrub: a self-supporting woody perennial plant characterized by several stems, with a potential at maturity for a diameter-at-breast-height of less than two inches and a height less than 10 feet.

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 4. Amendment of Chapter 21.43 WMC. Chapter 21.43 of the Woodinville Municipal Code and the corresponding portions of Ordinance No. 611 § 8 and Ordinance No. 634 § 36, 37, 38, 39, 40, and 41 are hereby amended to read as set forth below. New text is shown by underline; deleted text is shown by ~~strikethrough~~.

21.43.010 Purpose and intent.

(1) Introduction and Purpose. Landscaping is a key component of Woodinville's northwest woodland character. The purpose of this chapter is to preserve and improve the aesthetic character and environmental quality of Woodinville's neighborhoods communities; to improve the aesthetic quality of the built environment; to through promote retention-retaining and protecting existing vegetation and significant trees when possible; promoting of proper plant selection and continuous maintenance; to reduce-reducing the impacts of development on drainage systems and natural habitats; and to increasinge privacy for Residential-low-density zones; providing visual relief from parking lots and service areas; softening perceived building scale; and providing transition between different zones.
by:

- (1) ~~Providing visual relief from large expanses of parking areas and reduction of perceived building scale;~~
- (2) ~~Providing physical separation between residential and nonresidential areas;~~
- (3) ~~Providing visual screens and barriers as a transition between differing land uses;~~
- (4) ~~Retaining existing vegetation and significant trees by incorporating them into the site design when possible; and~~
- (5) ~~Providing increased areas of permeable surfaces to allow for:~~
 - (a) ~~Infiltration of surface water into ground water resources;~~
 - (b) ~~Reduction in the quantity of storm water discharge; and~~
 - (c) ~~Improvement in the quality of storm water discharge.~~

21.43.020 ApplicationApplicability.

(1) General. Any construction, site disturbance, or landscape removal within multifamily, commercial, industrial, and public/institutional zones (R-12 through R-48, CBD, NB, GB, I, or TB zones) or nonresidential development in residential zones shall be subject to the provisions of this chapter. The City has established three thresholds to gauge the extent of construction work and set requirements based on the level of improvement. Where a project qualifies for multiple thresholds, the requirement providing the largest area of landscaping improvement shall qualify.

(a) Major Construction. All development qualifying as major construction shall be subject to all of the provisions of this chapter for the entire site or lot. Major construction shall include projects where:

- (i) A new development project is subject to land use project approval permit pursuant to WMC 21.80.030; or

(ii) New, removed, or replaced impervious surfaces on the site total more than 50 percent.
(b) Minor Construction. All development qualifying as minor construction shall be subject to the provisions of this chapter for the impacted areas only. Minor construction shall include projects where:

(i) New, removed, or replaced impervious surfaces on the site total less than 50 percent. Projects shall be subject to all of the provision of this chapter only within the limits of disturbance. The limits of disturbance shall include portions of the site ten feet beyond the area of construction, grading, site disturbance, or dripline for tree removal; or

(ii) A remodel or tenant improvement to an existing building exceeds 25 percent of the fair market value of all structures on the site. Sites not meeting the landscaping standards shall be required to provide additional landscaping on the site equal to 25 percent of the cost of construction.

(c) Pruning and Maintenance. On sites with no construction, impacted area shall be replanted to meet the landscaping type as provided in this chapter. The impacted area shall be considered the dripline of any removed shrub or the critical root zone of any removed tree. Enlargement of landscape areas shall not be required. Pruning shall be subject to WMC 21.43.130 and WMC 21.50.130.

(i) A tree removal permit shall be required on sites where significant trees greater than six inches at diameter-at-breast-height are proposed for removal.

(ii) A tree removal permit shall not be required on sites where shrubs, groundcovers, or nonsignificant trees are proposed for removal.

(2) Emergency removal. Any tree that poses an imminent threat to life or property, due to a storm event such as a windstorm or ice storm, may be removed without first obtaining a permit. The party removing the tree shall contact the City Tree Official within seven days of removal to provide documentation of threat for approval of exemption.

(3) Deviations. Deviation requests from these standards may be granted by the City Tree Official where strict application of these standards will conflict with existing development or landscaping, and are contrary to the purpose and intent of this chapter.

Except for communication facilities regulated pursuant to Chapter 21.37 WMC, all new development listed in WMC 21.43.030 shall be subject to the landscaping provisions of this chapter; provided, that specific landscaping provisions for uses established through a conditional use permit or a special use permit shall be determined during the applicable review process. For the purposes of this chapter, a new development involves a new occupancy or tenant improvement that exceeds 25 percent of the assessed value of the structure before the improvement or before any damage occurred, if the structure has been damaged and is being repaired.

21.43.030 Landscaping submittal requirements. Land use grouping.

(1) Submittal Materials. The following materials must be submitted as part of applications for construction permits. 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) Site plan prepared by a licensed certified landscape architect or arborist, 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 six inches or greater 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) Existing and proposed topography at 5-foot intervals; and

(v) Location of all critical areas and buffers.

(b) 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;
- (c) 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 and any trees within 50 feet of 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 21.43.120 and WMC 21.43.130;
 - (v) Recommendations on tree protection measures consistent with WMC 21.43.130 and corresponding 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
 - (x) If applicable, assessment and designation of a hazard or nuisance tree.

In order to facilitate the application of this chapter, the land uses of Chapter 21.21 WMC have been grouped in the following manner:

- ~~(1) Residential development shall refer to those uses listed in WMC 21.21.030, except those uses listed under accessory uses, provided:~~
 - ~~(a) Attached/group residences shall refer to:~~
 - ~~(i) Townhomes;~~
 - ~~(ii) Apartments;~~
 - ~~(iii) Senior citizen assisted;~~
 - ~~(iv) Temporary lodging;~~
 - ~~(v) Group residences (community residential facilities); and~~
 - ~~(vi) Mobile home parks.~~
 - ~~(b) Single detached development shall refer to residential subdivisions.~~
- ~~(2) Commercial development shall refer to those uses in:~~
 - ~~(a) WMC 21.21.040, as park/recreation and amusement/entertainment uses;~~
 - ~~(b) WMC 21.21.050, except health and educational services;~~
 - ~~(c) WMC 21.21.060, as general business services, professional offices, and commercial accessory uses; and~~
 - ~~(d) WMC 21.21.070.~~
- ~~(3) Industrial development shall refer to those listed in:~~
 - ~~(a) WMC 21.21.050, except health and education services;~~
 - ~~(b) WMC 21.21.060, except general business services, professional offices, and commercial accessory uses;~~
 - ~~(c) WMC 21.21.080; and~~
 - ~~(d) WMC 21.21.090, as mineral extraction and processing.~~
- ~~(4) Institutional development shall refer to those uses listed in:~~
 - ~~(a) WMC 21.21.040, as cultural uses, except arboretums;~~
 - ~~(b) WMC 21.21.050, as health services, and education services except specialized instruction schools permitted as an accessory use;~~
 - ~~(c) WMC 21.21.055; and~~
 - ~~(d) WMC 21.21.100.~~

- (5) Utility development shall refer to those listed in WMC 21.21.060 as subregional utilities.
- (6) Uses contained in Chapter 21.21 WMC that are not listed in subsections (1) through (5) of this section shall not be subject to landscaping except as specified in any applicable review of a conditional use or special use permit.

21.43.040 Landscaping – General requirements.

Landscape designs shall conform to the following provisions:

- (1) Minimum Landscape Area. At least ten percent of the total site area, excluding areas dedicated as right-of-way, shall be landscaped pursuant to this chapter. Where no landscaping type is specified in this chapter, landscaping shall be Type III or greater.
- (2) Planting Selection. Plant species shall be selected that enhances the City's Northwest Woodland character. Plant species must be either native or non-invasive naturalized species to the coastal region of the Pacific Northwest. Species shall be selected from the City of Woodinville Plant Species List or be suitable in the USDA Plant Hardiness Zone 8. At least 60 percent of new landscaping materials shall consist of drought-tolerant species, except where site conditions within the required landscape areas assure adequate moisture for growth. Drought-tolerant and nondrought-tolerant species shall be distributed and irrigated in a manner that uses water efficiently;
- (3) Retention of Existing Vegetation. Healthy native vegetation shall be preserved to the greatest extent feasible. New vegetation should be replanted in between existing vegetation consistent with the required landscape type in random patterns where possible.
- (4) Continuity. Landscaping shall be designed to provide continuity between adjoining properties.
- (5) Pedestrian Areas. Building entries, pedestrian plazas and walkways shall be emphasized with special landscaping and/or paving in combination with landscaping.
- (6) Staggered Rows. When the width of any landscape strip is 2025 feet or greater, the required trees shall be staggered in two or more rows;
- (7) Maximum Hardscape. No more than 15 percent of the width of any required landscaping areas shall be covered with walkways, driveways, or other impervious surfaces necessary for access. No other impervious surfaces or hardscapes are permitted in required landscaping areas.
- (8) Areas of a site designated for landscape area shall be protected from disturbance during grading and construction to the extent feasible;
- (9) Turf may be used as groundcover in landscape areas; provided, that the turf area:
 - (a) Constitutes no more than 30 percent of Type I and II landscape areas; and
 - (b) Is at least five feet wide at the smallest dimension;
- (10) Bioretention facilities are allowed and encouraged to be located within landscaping areas. Landscaping shall be designed to be consistent with landscaping types and widths identified in this chapter. Where bioretention is used, shrub height shall be limited to 4 feet above the grade surrounding the facility and the spacing of trees and shrubs adjacent to the facility may be relaxed to help ensure adequate sunlight to the facility and to avoid leaf drop;
- (11) All fences shall be placed on the inward side of any required perimeter landscaping;
- (12) Berms shall not exceed a slope of three horizontal feet to one vertical foot for lawns and shall not exceed a slope of two horizontal feet to one vertical foot for other plant materials;
- (13) Soils in landscape areas shall be amended with compost in accordance with WMC 13.05;
- (14) Landscape areas shall be covered with at least two inches of mulch to minimize evaporation. Mulch shall consist of materials such as yard waste, sawdust and/or manure that is fully composted;
- (15) Required street landscaping may be placed within City of Woodinville street rights-of-way subject to the City's street design standards with the permission of the Public Works Director, provided adequate space is maintained along the street line on-site to replace the required landscaping should subsequent street improvements require the removal of landscaping within the rights-of-way; and
- (16) A qualified tree professional, as defined in WMC 21.11.190, shall be on-site during any site work affecting preserved trees

21.43.050 Perimeter landscaping. Landscaping—Street frontages and interior lot lines.

(1) Except as otherwise provided in this chapter, landscaping along property lines shall be provided based on zoning districts set forth in this section. If listed in Table 21.43.050(1), perimeter landscaping shall be required for the subject street frontage or along the interior lot line identified in parenthesis.

Table 21.43.050 - Perimeter Landscaping Requirements

<u>Zoning District of Subject Property</u>	<u>Required Perimeter Landscaping</u>		
	<u>Street Frontage</u>	<u>Interior Lot Lines</u>	<u>Special Standards and Notes</u>
<u>Non-residential Development in Single-Family Zones (R-1 through R-8)</u>	- <u>10 feet Type III (all streets)</u>	- <u>20 Feet Type I (R-1 through R-8 zones)</u>	<u>1. For single-family uses, refer to Chapter 21.50 WMC Tree Code.</u>
<u>Multifamily (R-12 through R-48)</u>	- <u>10 feet Type III (all streets)</u>	- <u>20 feet Type II (single-family zones)</u> - <u>10 feet Type II (other multifamily zones)</u>	
<u>General Business (GB)</u>	- <u>25 feet Type II (SR 522)</u> - <u>10 feet Type II (all other streets)</u>	- <u>10 feet Type I (Public Park/Open Space)</u>	<u>2. For lots adjacent to SR 522, 0-25 feet Type II landscaping required per WMC 21.43.050(4).</u>
<u>Neighborhood Business (NB)</u>	- <u>10 feet Type III (all streets)</u>	- <u>20 Feet Type I (R-1 through R-8 zones)</u>	
<u>Industrial (I)</u>	- <u>See Note 3 through 6</u> - <u>25 feet Type II (SR 202)</u> - <u>10 feet Type II (all other streets)</u>	- <u>20 feet Type I (R-1 through R-8 zones)</u> - <u>10 feet Type II (Industrial)</u> - <u>15 feet Type II (public trails or other publicly used lands)</u>	<u>3. Refer to Industrial Design Standards for additional requirements.</u> <u>4. For properties in the Tourist District Overlay, refer to WMC 21.26.010.</u> <u>5. Interior landscaping abutting industrial or public trails may be reduced to 5 feet depending on the intensity of the use to be screened, visual impacts, and if development is integrated with the subject abutting property through provision of pedestrian connections. Exceptions may be made for those developments meeting Section IV.F of the Industrial Design Guidelines and Standards.</u>
<u>Tourist Business (TB)</u>	<u>See Notes</u>	<u>See Notes</u>	<u>6. Refer to WMC 21.26.010.</u>

<u>Central Business District (CBD)</u>	<u>See Notes</u>	- <u>20 feet Type I (R-1 through R-8 zones)</u>	<u>7. Refer to Chapter 21.40 WMC Design Guidelines</u>
<u>Public Park/Open Space (P)</u>		- <u>10 feet Type I (R-1 through R-8 zones)</u>	
<u>Public Institutional (P/I)</u>	<u>10 feet Type II (all streets)</u>	- <u>20 feet Type I (R-1 through R-8 zones)</u>	

- (2) Frontage Landscaping. Required street frontage landscaping may be placed within City of Woodinville street rights-of-way subject to the City's street design standards with the permission of the Public Works Director, provided adequate space is maintained along the street line on-site to replace the required landscaping should subsequent street improvements require the removal of landscaping within the rights-of-way.
- (3) Street Trees. Street trees shall be planted in the right-of-way for all development fronting a public street at an average rate of one tree per 25 lineal feet. Street tree species shall be approved by the City Tree Official in accordance with the City of Woodinville Plant Species List or adopted street tree plan, if applicable. The trees may be spaced at irregular intervals in order to accommodate sight distance requirements for driveways and intersections.
- (4) State Route 522. All developments shall provide a minimum of 25 feet of Type III landscaping adjacent to a SR 522 right-of-way. Developments may reduce the required landscaping width to zero feet provided the following requirements are met:
- (a) A development agreement between the City and property owner is required, in which the property owner agrees to construct and maintain at the property owner's expense a landscape buffer in the State of Washington Department of Transportation (DOT) right-of-way.
 - (b) The agreement shall be at the City's discretion and would include provisions allowing the City to conduct the landscape maintenance, in which case a fee for these maintenance services will be agreed upon between the property owner and the City prior to acceptance of the agreement by the City Council.
 - (c) The provisions of the agreement shall be designated as covenants running with the land of the property owner binding the successors and assigns of the property owner, including mortgagees and beneficiaries of a deed of trust.
 - (d) An agreement will be required by DOT to allow the installation and maintenance of the landscaping in the DOT right-of-way. Typically, this agreement would be between DOT and the City.
- (5) Site Constraints. The landscaping requirement may be modified when existing conditions on or adjacent to the site, such as significant topographic differences, vegetation, structures or utilities would render application of this chapter ineffective or result in scenic view obstruction. When an existing structure precludes installation of the total amount of required site perimeter landscaping, such landscaping material shall be incorporated on another portion of the site.
- (6) Averaging. The width of the perimeter landscaping may be averaged, provided the minimum width is not less than five feet.
- (7) Sites Under Common Ownership. Adjoining parcels under a binding site plan or those designed under common ownership may have perimeter landscaping located at the project limits and not the joint property lines.
- (1) Perimeter landscaping along street frontages shall be provided as follows:
- (a) A 10-foot width of Type II landscaping shall be provided for an institutional use, excluding playgrounds and playfields.
 - (b) A 10-foot width of Type II landscaping shall be provided for an industrial development, except a 25-foot width of Type II landscaping shall be provided for development on I-zoned property abutting SR 202 or Woodinville-Snohomish Highway.
 - (c) A 10-foot width of Type II landscaping shall be provided for an above ground-subregional utility development located outside a public right-of-way.

- (d) ~~A 10-foot width of Type III landscaping shall be provided for a commercial or attached/group residence development, except the 10-foot width of Type III landscaping may not be required pursuant to the City of Woodinville Design Guidelines and Standards.~~
 - (e) ~~For single detached subdivisions:~~
 - (i) ~~Trees shall be planted at the rate of one tree for every:~~
 - (A) ~~Fifty feet of frontage along a neighborhood collector street; and~~
 - (B) ~~Forty feet of frontage along an arterial street.~~
 - (ii) ~~The trees shall be:~~
 - (A) ~~Located within the street right-of-way if permitted by the custodial State or local agency;~~
 - (B) ~~No more than 20 feet from the street right-of-way line when located within a lot;~~
 - (C) ~~Maintained by the adjacent landowner unless part of a City maintenance program;~~
 - ~~and~~
 - (D) ~~A species approved by the City Tree Official in accordance with the Tree Board approved required tree species list.~~
 - (E) ~~The trees may be spaced at irregular intervals in order to accommodate sight distance requirements for driveways and intersections.~~
 - (f) ~~For developments in the Tourist District Overlay, see WMC 21.26.010.~~
 - (g) ~~Street trees shall be required in all development fronting a public street. Street tree species shall be approved by the City Tree Official in accordance with the Tree Board approved required tree species list or by the City's adopted street tree plan if applicable.~~
- (2) ~~Perimeter landscaping along interior lot lines shall be provided as follows:~~
- (a) ~~Type I landscaping shall be included in a commercial, office, or industrial development as follows:~~
 - (i) ~~A 20-foot width abutting residentially developed property or undeveloped residentially zoned property;~~
 - (ii) ~~A 10-foot width abutting property developed public recreational; or~~
 - (iii) ~~A 10-foot width abutting property designated as permanent open space.~~
 - (b) ~~A 20-foot width of Type II landscaping shall be included in an attached/group residence development along any portions of the development adjacent to a single-family detached residential development. Along portions of the development adjacent to another attached/group residence development or any nonresidential use the requirement shall be a 10-foot width of Type II landscaping.~~
 - (c) ~~A 10-foot width of Type II landscaping shall be included in an industrial development along any portion adjacent to a commercial or institutional development.~~
 - (d) ~~A 10-foot width of Type II landscaping shall be included in an institutional use, excluding playgrounds and playfields, or an above-ground subregional utility development, excluding distribution or transmission corridors, when located outside a public right-of-way. If the institutional use abuts a residentially zoned or developed property, a 20-foot width of Type II landscaping is required along lines abutting the property. If the institutional use abuts an agriculturally zoned parcel, a 50-foot width of Type II landscaping is required along property lines abutting the parcel.~~
 - (e) ~~For developments in the Tourist District Overlay, see WMC 21.26.010.~~
 - (f) ~~For commercial and industrial developments, storm water retention facilities may be located in interior lot line landscaping areas; provided, that landscaping requirements are still met and the location is approved by the Development Services Director.~~

21.43.060 Landscape – Types and description.

- (1) Landscaping Types. The types, arrangement, and quantity of plants shall be appropriate to the size and intent of the landscaping as indicated in Table WMC 21.43.060(1). Alternative landscaping options in WMC 21.43.080 meeting the intent of subject landscape type may be substituted.

Table WMC 21.43.060(1) Landscape Types

	<u>Type I</u>	<u>Type II</u>	<u>Type III</u>
<u>Intent</u>	A “full screen” that functions as a visual barrier. Type I landscaping shall consist of a mix of primarily evergreen trees and shrubs placed to form a continuous screen.	A “filtered screen” that functions as a visual separator. Type II landscaping shall consist of a mix of evergreen and deciduous trees and shrubs spaced to create a filtered screen.	A “see-through buffer” that functions as a partial visual separator to soften the appearance of parking areas and building elevations. Type III landscaping shall consist of a mix of evergreen and/or deciduous trees spaced to create a continuous canopy.
<u>Tree ratio</u>	Minimum 70 percent evergreen trees	At least 50 percent deciduous trees and at least 30 percent evergreen trees	At least 70 percent deciduous trees
<u>Tree size and spacing</u>	Trees spaced no further than 20 feet on center Deciduous trees shall be at least 2-inch caliper. Evergreen trees shall be at least 6 feet in height. Multi-stemmed trees shall be at least seven feet in height.	Trees spaced no further than 25 feet on center Deciduous trees shall be at least 2-inch caliper. Evergreen trees shall be at least 6 feet in height. Multi-stemmed trees shall be at least seven feet in height.	Trees spaced no further than 25 feet on center Deciduous trees shall be at least 2-inch caliper. Evergreen trees shall be at least 6 feet in height. Multi-stemmed trees shall be at least seven feet in height.
<u>Shrubs</u>	Evergreen shrubs spaced no further than five feet apart Shrubs shall be at least 24 inches in height	Shrubs spaced no further than seven feet apart Shrubs shall be at least 24 inches in height	Shrubs, that do not exceed a height of four feet, spaced no further than four feet apart Shrubs shall be at least 24 inches in height
<u>Groundcovers</u>	Four-inch pots spaced 24 inches on center Turf may constitute no more than 30 percent.	Four-inch pots spaced 24 inches on center Turf may constitute no more than 30 percent.	Four-inch pots spaced 24 inches on center Turf may constitute no more than 30 percent.

The four types of landscaping are described and applied as follows:

(1) Type I Landscaping:

(a) Type I landscaping is a “full screen” that functions as a visual barrier. This landscaping is typically found adjacent to freeways and between residential and nonresidential areas;

(b) Type I landscaping shall consist of:

- (i) A mix of primarily evergreen trees and shrubs placed to form a continuous screen;
- (ii) At least 70 percent evergreen trees;
- (iii) Evergreen trees spaced no more than 15 feet on center;
- (iv) Broadleaf trees spaced no more than 20 feet on center;
- (v) Evergreen shrubs spaced no more than four feet apart; and
- (vi) Groundcover pursuant to WMC 21.43.110;

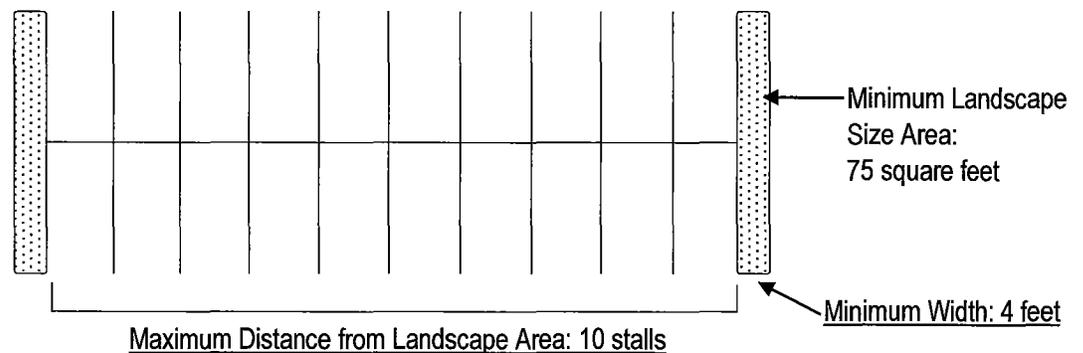
(2) Type II Landscaping:

- (a) Type II landscaping is a “filtered screen” that functions as a visual separator. This landscaping is typically found between commercial and industrial uses; between differing types of residential development; and to screen industrial uses from the street;
 - (b) Type II landscaping shall consist of:
 - (i) A mix of evergreen and broadleaf trees and shrubs spaced to create a filtered screen;
 - (ii) At least 50 percent broadleaf trees and at least 30 percent evergreen trees;
 - (iii) Evergreen trees spaced no more than 15 feet on center;
 - (iv) Broadleaf trees spaced no more than 20 feet on center;
 - (v) Shrubs spaced no more than five feet apart; and
 - (vi) Groundcover pursuant to WMC 21.43.110;
- (3) Type III Landscaping:
- (a) Type III landscaping is a “see-through buffer” that functions as a partial visual separator to soften the appearance of parking areas and building elevations. This landscaping is typically found along street frontage or between apartment developments;
 - (b) Type III landscaping shall consist of:
 - (i) A mix of evergreen and/or broadleaf trees spaced to create a continuous canopy;
 - (ii) At least 70 percent broadleaf trees;
 - (iii) Trees spaced no more than 25 feet on center;
 - (iv) Shrubs, that do not exceed a height of four feet, spaced no more than four feet apart; and
 - (v) Groundcover pursuant to WMC 21.43.110;

21.43.070 Surface parking areas.

- (1) General. Surface parking lots shall be landscaped to break up large areas of asphalt and to provide visual relief from the street.
- (2) Required Plantings. Landscaping shall be provided within surface parking lots at a rate of 20 square feet per parking stall. Landscaping shall be designed and maintained to provide clear sight distance between 3.5 feet and 8.0 feet above the existing street grade pursuant to WMC 21.22.190. Surface parking lot landscaping shall be planted as follows:
 - (a) Deciduous trees shall be planted at a rate of one tree per every seven stalls;
 - (b) Shrubs planted no more than four feet apart; and
 - (c) Groundcovers planted no more than 24 inches apart.
- (3) Landscape Spacing. Landscape islands shall be spaced no further than 10 parking stalls and at the end of each parking row. Landscaping strips may be placed in between rows of parking stalls.
- (4) Size. Landscape islands or strips shall be a minimum of four feet wide and shall have an area of at least 75 square feet.

WMC 21.43.070 Parking Lot Landscaping



- (5) Bioretention Facilities. Parking area landscaping may be used for stormwater management as approved by the Public Works Director. The requirements for plant sizes and spacing in WMC 21.43.070(2) may be relaxed for bioretention facilities upon recommendations provided by an arborist, landscape architect, or other qualified professional.

- (6) Vertical Curbs. Landscape islands or planters shall be surrounded by a standard vertical curb or a similar barrier to protect the plantings from vehicle overhang. Gaps in the curb are permitted for stormwater drainage.
- (7) Parking Perimeter Landscaping. If no perimeter landscape standard is listed in WMC 21.43.050 and if permitted, parking lots adjacent to sidewalks or streets shall be screened with a minimum of 10 feet of Type III landscaping or five feet of Type III landscaping with a 3-foot-tall decorative wall, unless otherwise required by this title.

21.43.080 Landscaping– Alternative compliance options.

(1) The following alternative landscape options may be allowed only if they accomplish equal or better levels of screening exceed the intent of the landscaping type and are subject to Development Services Director approval:

~~The following alternative landscape options may be allowed only if they accomplish equal or better levels of screening and are subject to Development Services Director approval:~~

- ~~(1) When the total area for required landscaping and that within the dripline of retained trees exceeds 15 percent of the area of the site, the landscaping requirement may be reduced so that the total required landscape and tree retention area will not exceed the 15 percent of site area;~~
 - (a) Landscaping areas may be used for stormwater management as approved by the Public Works Director. The requirements for plant sizes and spacing may be relaxed upon recommendations provided by an arborist, landscape architect, or other qualified professional.
 - (b) Development with green roofs or rooftop gardens covering at least 50 percent of all building roofs may reduce the required landscaping area by 10 percent.
 - (c) Development with living walls or green walls covering at least 15 percent of all building walls may reduce the required landscaping area by 5 percent.
 - (d)(2) The width of the perimeter landscape strip may be reduced up to 25 percent along any portion where:
 - (i)(a) Berms at least three feet in height or architectural barriers at least four feet in height are incorporated into the landscape design; and
 - (ii)(b) The landscape materials are incorporated elsewhere on-site.
 - (e)(3) The width of the perimeter landscaping may be reduced up to 10 percent when a development retains an additional 10 percent of significant trees or Sites retaining 10 significant trees per acre on-site (above the requirements of WMC 21.50.070); or a grove per acre may reduce required landscape area by up to 10 percent.
- ~~(4) The landscaping requirement may be modified when existing conditions on or adjacent to the site, such as significant topographic differences, vegetation, structures or utilities would render application of this chapter ineffective or result in scenic view obstruction;~~
- (f)(5) Street perimeter landscaping may be waived provided a site plan is approved that provides a significant amount of street trees or other pedestrian-related amenities and the landscaping is incorporated elsewhere on site.
- ~~(6) When an existing structure precludes installation of the total amount of required site perimeter landscaping, such landscaping material shall be incorporated on another portion of the site; and~~
- ~~(7) The width of the perimeter landscaping may be averaged, provided the minimum width is not less than five feet.~~
 - (g) Alternative landscape spacing under the recommendation of a landscape architect or arborist may be approved if spacing will ensure long-term landscape health and provide equivalent screening.

21.43.090 Landscaping adjacent to public trails, utilities and other publicly used lands.

- (1) All developments adjacent to publicly used trails and other public lands shall provide landscaping adjacent to and along the building facade that faces the trail or land at the rate of at least one tree per 50 feet of facade. Exceptions may be made for those developments meeting Section IV.F of the City's Design Guidelines and Standards.

- (2) All development shall provide, at a minimum depending upon the intensity of use to be screened, Type III landscape screening from public areas, etc., to reduce off-site visual impacts. The applicant shall propose the type of landscaping to be provided for approval by the City Tree Official.
- (3) Utility purveyors within the City of Woodinville are required to maintain and plant landscaping within their right-of-way as follows:
 - (a) Limited disturbance of vegetation to that necessary for safety and maintenance of transmission lines;
 - (b) Prune trees to direct growth away from utility lines using accepted pruning practices identified in the public tree care standards manual;
 - (c) Phase replacement of vegetation located improperly in the right-of-way;
 - (d) Use approved soil amending techniques to assure water retention and general tree health;
 - (e) Prune trees in an aesthetic manner according to the professional arboricultural specifications and standards;
 - (f) Select tree species recommended in the Woodinville Plant Species List or as approved by the City Tree Official that are compatible with utility lines, and plant using adequate recommended spacing;
 - (g) Provide the City with a copy of the utility's policies and guidelines regarding tree pruning; and
 - (h) Present the City with a tree-pruning plan at least one week prior to tree-pruning activities.

21.43.100 Landscape and tree protection during construction. ~~Landscaping~~ — ~~Adjacent to freeway rights-of-way.~~

- (1) Tree protection measures shall be installed prior to development activity or initiating vegetation 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. 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, groundcovers, 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 protection measures that are consistent with accepted urban forestry practices.
- (1) All residential developments shall provide a minimum of 20 feet of Type I landscaping adjacent to freeway rights-of-way.
 - (2) All other developments shall provide a minimum of 25 feet of Type III landscaping adjacent to freeway rights-of-way.
 - (3) All developments adjacent to SR 522 may reduce the required buffer distance to a point that is within zero feet of the right-of-way in compliance with the terms of this subsection. In exchange for this flexibility, an agreement between the City and property owner is required, in which the property owner agrees to construct and maintain at the property owner's expense a landscape buffer in the State of Washington Department of Transportation (DOT) right-of-way. The agreement shall be at the City's discretion and would include provisions allowing the City to conduct the landscape maintenance, in which case a fee for these maintenance services will be agreed upon between the property owner and the City prior to acceptance of the agreement by the City Council. The provisions of the agreement shall be designated as covenants running with the land of the property owner binding the successors and assigns of the property owner, including mortgagees and beneficiaries of a deed of trust.
 - (4) An agreement will be required by DOT to allow the installation and maintenance of the landscaping in the DOT right-of-way. Typically, this agreement would be between DOT and the City.

21.43.110 Landscaping – Irrigation.

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

21.43.120 Landscaping – Planting and Installation.

- (1) Plant Size and Spacing. The required minimum size for any installed tree is two-inch caliper or greater and for any installed shrub is number two size. Trees shall be spaced appropriately based on the Woodinville Tree Species List.
- (2) Installation. All required plantings shall be installed according to sound horticultural practices in a manner designed to encourage quick establishment and healthy plant growth.
 - (a) 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.
 - (b) Grading. Berms shall not exceed a slope of two horizontal feet to one vertical foot (2:1).
 - (c) 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. Existing soils shall be augmented with a two-inch layer of fully composted organic material rototilled a minimum of six inches deep.
 - (d) 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.
 - (e) Mulch. Landscape areas shall be covered with at least two inches of mulch to minimize evaporation. 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.
 - (f) Grass and groundcover areas shall contain at least two inches of composted organic material at finish grade.
 - (g) 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 guards, shall be required as needed to protect required trees.
- (3) Supervision. A qualified tree professional, as defined in WMC 21.11.200, shall be on-site during any site work affecting preserved trees.
- (4) Timing. Landscaping shall be installed prior to issuance of a certificate of occupancy for the project or project phase. The time limit for compliance may be extended to allow installation of landscaping 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 Chapter 15.42 WMC and WMC 21.43.190.

21.43.130 Landscape maintenance. Maintenance.

- (1) The following maintenance requirements apply to all landscaping planted or preserved consistent with this chapter:
 - (a) Responsibility for Regular Maintenance. The applicant, landowner, or successors in interest shall be responsible for regular maintenance of landscaping and 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. Maintenance of the vegetation and mulch within an LID facility 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. Planting materials that are dead shall be removed and replaced in-kind by the property owner, unless necessary for vegetation thinning. 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. All landscaping and trees shall be maintained for the life of the project. A maintenance guarantee pursuant to Chapters 15.42 or 20.06 WMC shall be secured

for a period of three years following the issuance of the certificate of occupancy or plat recording.

- (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 planted or preserved consistent with this chapter. 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.
- (d)(2) Pruning. All landscape materials and trees shall be pruned as necessary to maintain a healthy growing condition, ~~or to prevent primary limb failure,~~ and maintain adequate sight distance. Topping or pruning to the extent that would constitute tree removal as defined in Chapter 21.11 WMC is prohibited. If a required tree smaller than six inches in diameter-at-breast-height is topped, it must be replaced. 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 21.50.140. Trees may be windowed or limbed up using best management practices. This method of tree pruning shall maintain the health of the tree.
- ~~(3) With the exception of dead, diseased or damaged trees specifically retained to provide wildlife habitat, other dead, diseased, damaged or stolen plantings shall be replaced within three months or during the next planting season if the loss does not occur in a planting season.~~
- ~~(e)(4) Landscape areas shall be kept free of weeds, trash, and debris.~~
- ~~(5) Proper tree and plant protection shall be considered as a part of the overall landscaping maintenance methods used.~~
- ~~(6) Maintenance of all landscaping installed as part of a development project within the right-of-way shall be the responsibility of the abutting property owner for the life of the project unless alternative conditions are approved by the City.~~
- ~~(e)(7) Maintenance of the vegetation and mulch within an LID facility 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.~~

21.43.140 Bonds – Security.

- (1) Performance Bond. A financial guarantee in the form of bond, cash deposit, or assignment of funds shall be submitted prior to issuance of any construction permits with landscaping improvements. The performance bond shall be equal to 150 percent of the estimated total cost of landscaping, including labor and materials. Prior to release of the performance bond, a maintenance and defect guarantee shall be in place.
- (2) Maintenance Bond. ~~Performance~~ Maintenance bonds or other appropriate security (including letters of credit and set-aside letters) shall be required for a period of three years after the planting or transplanting of vegetation to insure proper installation, establishment and maintenance.

21.43.140 Penalties.

In accordance with enforcement regulations of Chapter 1.06 WMC and Chapter 21.50 WMC, any person violating these regulations shall be subject to civil penalty procedures and fines. Each tree removed or damaged shall be considered a separate violation.

Section 3. 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

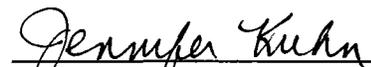
Section 4. Copy to Department of Commerce. Pursuant to RCW 36.70A.106(3), the City Clerk is directed to send a copy of this ordinance to the State Department of Commerce for its files within ten days after adoption of this ordinance.

Section 5. 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.

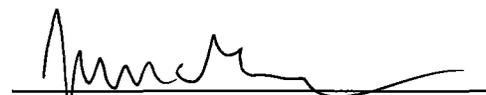
ADOPTED BY THE CITY COUNCIL AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 15th DAY OF NOVEMBER, 2016.


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. 622



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