



CITY OF WOODINVILLE
TREE BOARD AGENDA
REGULAR MEETING WEDNESDAY, NOVEMBER 28, 2012 5:30 PM



• Jey Manickam • Thomas L Quigley • Michael Munniks • Paula Waters • Steve Yabroff

SAR

-
- 5:30 **CALL TO ORDER**
- 5:31 **ROLL CALL**
- 5:33 **APPROVE AGENDA IN CONTENT & ORDER**
- 5:35 **PUBLIC COMMENTS**
- 5:40 **BUSINESS AND DISCUSSION ITEMS**
- 1. Approval of October 10th Minutes**
 - 2. Direction on How to Spend Tree Fund Money**
 - 3. Review of Tree Regulations and Issues with Administration of those Regulations**
- 6:20 **PUBLIC COMMENTS**
- 6:25 **DIRECTOR'S REPORT**
- 6:30 **ADJOURNMENT**

(Note: The agenda may be rearranged or changed at the beginning of the meeting, with a consensus of Tree Board members present.)

Issue Date: November 21, 2012
Staff Contact: Sarah Ruether, Planner

Faxed to: News Media
E-mailed to: Tree Board
Publish: Not published
Post: 1) In-House, 2) Post Office & 3) Website

CITY OF WOODINVILLE, CITY COUNCIL CHAMBERS
17301 133RD AVE. NE, WOODINVILLE, WA 98072

NEXT REGULAR MEETING JANUARY 23, 2013, 5:30 PM



TREE BOARD MEETING NOTES REGULAR MEETING OF October 10, 2012

Board Members Present		
X Paula Waters	X Jey Manickam	X Thomas Quigley
<input type="checkbox"/> Michael Munniks	X Steve Yabroff	
Staff Present		
Richard Leahy, Interim Development Services Director	Erin Martindale, Senior Planner	Sarah Ruether Planner
Guests/Public in Attendance		
None		
Called to Order at:	Meeting Location:	Chairperson:
4:32 p.m.	Calkins Room	Thomas Quigley
Agenda	X Approved	<input type="checkbox"/> Modified
Approval of Minutes:	X Approved	
	March 14, 2011 minutes approved with modification, change Yabroff's title from President to Vice President.	
PUBLIC COMMENT		
None		
DIRECTOR'S REPORT		
None		
NEW BUSINESS		
<p>Move location to Chambers the round table, the meetings will not be video taped.</p> <p>Thomas Quigley elected as Chair and Paula Waters elected as vice chair.</p> <p>Brief description of Streetscape Framework Plan and the types of trees chosen for main street, the grid roads, parkways and lanes. Tom asked when there would be an open house for the Streetscape Plan. Erin said Oct 23 from 1:30-3:00 and Oct 24 from 5:30-7:00. This open house is also for gateway plan. Yabroff said he was concerned that the Katsura Tree would cause infrastructure damage as he has one that has caused driveway damage. Tom said that the infrastructure damage depends on soil conditions and whether there is a root barrier and how the tree is planted. Rich said that the consultant would address the soil types and root barriers to address this.</p> <p>Paula expressed concern that having all the same kind of tree would create a monoculture and what would it do for aesthetics? She wondered if Paris has only one species. She also said she had already viewed the Streetscape Plan in Planning Commission and was happy with it. Jay said that disease can sometimes be a problem but most of the time it is okay. He said that aesthetics depends on the placement. Rich said it is more of an architectural statement to have all the same species and that the Parkways are to be more like groves. Sarah said that a line of trees can act as a vista to frame a view or gateway. Tom would like more review by arborists for projects. For example Douglass Firs planted under power lines are not a good idea. Rich said he would like the Businesses to participate more.</p> <p>Yabroff said he thinks the tree application is arduous and Rich agreed. Making revisions to this will be part of the 2013 work plan.</p>		
UNFINISHED BUSINESSES		
<p>Vice chair needs to be added to bylaws. Asked to change the time to meet to 4th Wednesday of month at 5:30. It used to be a 90 minute meeting but think they can do it in an hour. The conclusion was to meet monthly. Would like to encourage more public to show up and have more outreach. The board decides if it is an unexcused absence. Bylaws adopted as amended.</p> <p>For the future tree board schedule Erin discussed recommendation of the 2013-2014 spending of the tree fund money. Rich will provide a recommendation of how to use it for street beautification. Money needs to be spent on a street where</p>		

they know it will not be removed. Tom asked if there is any tax fund for tree city. Erin said there is no tax fund but we are required to spend a certain amount to be a tree city. The fund is currently \$37,000. Rich said in the long term we need to set some objective for this money. Paula asked if we have a goal for the number of trees. The goal is for a 40% canopy, currently we are at 32%. Rich would like to see the right types of trees in the right place. Tree maintenance is done for parks but most property owners do not maintain and we need a more systematic way to maintain. According to Jay having the property owner maintain does not work well and it ends up that the City has to maintain it. Tom thinks we need a way to report trees that need maintenance. Yabroff said most homeowners are not skilled at maintaining trees, they are not well educated. Tom said they had done trainings before maybe this would be a good idea to do again. Rich suggested a group of downtown property owners as a business assessment to maintain. Jay suggested a fund for the City to assume maintenance if the property owner does not do it. Yabroff suggested that we educate and you do it and if not we come out and bill you.

Rich said planting was planned for the north side of 195th to screen out that ugly section and the entry to town at 522 in conjunction with entry signs. Also on both sides of Wood-Sno in the ugly industrial area. Paula asked if there is anyone on staff to advice on species. Rich said the consultants are landscape architects and would advise. The money doesn't go far as irrigation is very expensive. Paula asked if we could consider not having irrigation. Rich said the groundcover will need irrigation.

A discussion of future meetings for the schedule was to meet in November not in December and in January discuss tree protection and the tree regulations to make them a more workable process. Would like a proposed work plan to mirror what has been done in the past. There is Council concern about the bureaucratic process for tree removal

Next Meeting:	November 28, 2012 5:30
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Meeting Adjourned at: 5:15 PM

Notes Prepared by: Sarah Ruether

Date: October 10, 2012



CITY OF WOODINVILLE, WA
REPORT TO THE TREE BOARD
17301 133rd Avenue NE, Woodinville, WA 98072
WWW.CI.WOODINVILLE.WA.US

To: Tree Board **Date:** November 28, 2012
From: Dave Kuhl, Development Services Director
By: Sarah Ruether, Planner *SR DK*
Subject: Direction on how to spend tree fund money

ISSUE: Shall the Tree Board recommend how to spend the tree fund?

STAFF RECOMMENDATION: To review City Manager suggestions and provide feedback on suggested objectives for the money.

POLICY DECISION: The Tree Board provides an advisory role to the City Council on matters of trees and urban forestry. The Tree Board is being asked to review and provide feedback on City Manager suggestions for spending the tree fund. A long-term objective for how to spend this money will help further guide policy direction for this money as it comes into the City.

BACKGROUND/ANALYSIS: The tree fund currently has \$37,000. This is money from mitigation projects where it was not possible for the applicant to achieve their total tree credits from planting, so instead they contributed to the tree fund. The City Manager, during the last tree board meeting, suggested that the City would like to use this money for tree planting to screen unsightly industrial area properties. His suggestions were to plant the north side of 195th and Hwy 522 in conjunction with new gateway entry signs to the City. He also suggested planting both sides of Woodinville Snohomish Road in the Industrial area. Long term, the City Manager suggested that the tree board come up with objectives for this money.

RECOMMENDED ACTION:
RECOMMEND OBJECTIVES AND LOCATIONS FOR USING THE TREE FUNDING MONEY FOR PLANTING



To: Tree Board **Date:** November 28, 2012
From: Dave Kuhl, Development Services Director *DK*
By: Sarah Ruether, Planner *SR*
Subject: Review of Tree Regulations and Issues with Administration of those Regulations

ISSUE: Shall the Tree Board review the Current Tree Regulations and Proposed Recommendations for Changes to the Regulations?

STAFF RECOMMENDATION: To review and consider proposed changes as part of the Tree Board work plan for 2013.

POLICY DECISION: The Tree Board provides an advisory role to the City Council on matters of trees and urban forestry. The Tree Board is being asked to review current tree regulations and provide feedback on ways to improve the regulations and the administration of those regulations. The Tree Board is asked to review the current tree regulations and any proposed changes for consistency and fit into the goals of the Forestry Plan and tree retention goals for the city.

BACKGROUND/ANALYSIS:

In 2009, new tree protection regulations were adopted as part of ordinance 478. The key element of this change was the creation of a tree credit system. As part of this system, each tree is given a number of "tree credits" for each tree on your property based on the size of the breast at diameter height (4.5 feet off the ground) of the tree. The larger the tree the greater number of tree credits allotted. The intent of this tree credit system is to incentivize saving a larger tree, which has much more canopy cover and therefore is more important for preservation. In conjunction with this tree credit system a required number of tree credits per acre was established as part of this ordinance based on zoning and lot size.

The basic requirements for tree credits per this system in the City are:

1. In the downtown (CBD) zone, 30 tree credits per acre are required.
2. On single-family residential lots less than 7,200 square feet, 30 tree credits are required.
3. On all other properties within the City, 60 tree credits per acre are required.

All residential tree removals that are not in the right-of-way require a tree permit. Two healthy trees may be removed per year with adequate tree credits. If hazardous or nuisance trees are removed by a resident without an arborist report the resident does not get an additional two tree credits for two healthy trees. There is no limit to the number of hazardous or nuisance trees that can be removed but an arborist report is required for removal. All arborists must be certified by the International Society of Arboriculture (ISA) and must have the ISA tree risk assessor certification, to assess hazard or nuisance tree removal. If the applicant shows a picture of the tree and it is obviously dead per a picture or site visit, a Director's decision may be

issued so that the applicant can forgo an arborists report. The Director is the only one who can make this determination of hazard or nuisance tree without an arborist's report.

As a Staff member who has issued tree permits for the last couple of years these are the key issues, which have come up as problems for applicants.

Complicated Process

Tree permit applicants have given feedback that the city's tree removal process is complicated and time consuming. The current configuration of tree credits is confusing to the public who do not intuitively understand how a tree credit relates to the size of the tree. This makes the application and tree inventory intimidating for the public. Is there a way to simplify the application without losing the intent of incentivizing the retention of larger trees? Staff suggestion: simplify the tree credit process, by grouping trees together for a smaller range of credits. Simplify the tree permit process so that it can become an over the counter permit.

ISA Tree Risk Assessor Certification Requirement

Our code currently requires that an arborist be not only ISA (International Society of Arboriculture) certified but also have a specialized certification of a tree risk assessor. This additional certification makes the task of finding a qualified arborist harder for the citizen. Furthermore, it may require the applicant to hire another arborist with that risk assessment certification. Staff suggestion: remove the secondary qualification of being a certified tree risk assessor from the code.

Flexibility

There is currently very little flexibility in how many tree removals a property owner can have a year. One suggestion is to allow property owners to remove four healthy trees in one year if they agree not to remove any additional trees in the next two years. This would allow them to credit the future year's tree credits. In terms of economies of scale, many property owners want to remove all the trees that may be problem trees at once, rather than breaking it up into multiple years.

Tree Credit Requirements and Zoning

Property owners in the industrial zone and General Business District (GB) have voiced concern that they have double the tree credit requirements as the Central Business District (CBD). They argue that their properties have a similar intensity of development and impervious surface as the CBD. Therefore, they do not have the room to plant twice as many trees as the CBD, which adds an additional cost to development in the Industrial and General Business zone.

RECOMMENDED ACTION:

REVIEW CURRENT TREE REGULATIONS AND RECOMMEND CHANGES TO BE DISCUSSED FOR WORKPLAN.

Attachment 1 – Copy of Tree Application

Attachment 2 – Copy of Ordinance 478



TREE REMOVAL PERMIT APPLICATION
City of Woodinville

Development Services Department
425-489-2754 • 17301 133rd Avenue NE • Woodinville, WA 98072
Desk Hours • Monday – Thursday 7:30am – 5:00pm • Friday 7:30am – 4:00pm

TREE DENSITY CREDITS (Ordinance 478)				
DIAMETER (Inches)		COUNT (Fill In) ↓	CREDITS	TOTAL
1.0	2.0		0.25	0.00
2.1	3.7		0.50	0.00
3.8	6.6		0.75	0.00
6.7	10.1		1.25	0.00
10.2	15.2		1.75	0.00
15.3	19.2		2.50	0.00
19.3	23.1		3.25	0.00
23.2	26.0		4.00	0.00
26.1	29.0		5.00	0.00
29.1	32.0		6.00	0.00
32.1	34.0		7.00	0.00
34.1	36.0		8.00	0.00
36.1	39.0		9.00	0.00
39.1	42.0		10.00	0.00
42.1	46.0		12.00	0.00
46.1	50.0		14.00	0.00
50.1	54.0		16.00	0.00
54.1	58.0		18.00	0.00
58.1	62.0		20.00	0.00
62.1	66.0		22.00	0.00
≥ 66.1			24.00	0.00
TOTAL NUMBER OF TREES:		0.00		
TOTAL TREE CREDITS EARNED:		0.00		
TOTAL SQ FT:			←(Fill in lot area here)	
TOTAL ACREAGE:		0.00		
REQUIRED CREDITS (if 30 tree credits per acre):		0.00	30 tree credits required for SFR lots less than 7,200 square feet and for lots in the CBD zone. 60 tree credits required for all other lots.	
REQUIRED CREDITS (if 60 tree credits per acre):		0.00		



TREE REMOVAL PERMIT APPLICATION
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TREE SPECIES

Tree #	Species	Size in DBH	Retained	Removed	Planted
1			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ORDINANCE NO. 478

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON ADDING A NEW WMC CHAPTER 21.15 RELATING TO TREE PROTECTION REGULATIONS, AMENDING WMC 2.24, 20.06, 21.06, 21.14, 21.16, 21.17, 21.24, 21.34, 21.38; MAKING FINDINGS OF FACT AND THE FOLLOWING AMENDMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR SUMMARY PUBLICATION BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

WHEREAS, two public hearings were held by the City of Woodinville Planning Commission on September 17, 2008 and January 21, 2009; and

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

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

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

Section 1. Chapter 21.15, Development Regulations – Tree Protection, of the Woodinville Municipal Code is established, as set forth in Attachment 1, which is attached hereto and incorporated herein by this reference as if set forth in full.

Section 2. Amendment to Chapter 2.24, Tree Board, is hereby amended to read as set forth in below. New text is shown by underline; deleted text is shown by ~~strikethrough~~.

2.24.010 Definitions.

(9) "~~Danger tree~~" (as defined in ~~WMC 21.06.139~~) shall mean ~~any tree with a combination of structural defect and/or disease that makes it subject to a high probability of failure, according to the current~~

~~International Society of Arboriculture's Tree Hazard Evaluation Standards for Hazard Tree Rating, and a proximity to persons or property that is immediately threatening. (Reserved).~~

2.24.090 Tree planting.

The City shall have the right to regulate the species, installation method, and relative condition of trees located in the City rights-of-way and City-owned property and to cause removal and replacement of unsuitable, damaged, or unhealthy trees. The following regulations apply to planting of trees and plants in the City rights-of-way:

- (1) Trees and plants shall be considered for preservation and planting in all City construction and/or land use projects pursuant to tree preservation regulations of Chapter ~~21.16~~ 21.15 WMC. An administrative variance may be granted by the City Tree Official if the preservation requirements interfere with the effectiveness of the public project. Planting alternatives on other public property shall be considered as mitigation for tree loss due to a public project.

2.24.140 Tree removal.

The City may remove any public tree determined to be a hazardous or dangerous tree by the City Tree Official. Tree removal shall comply with methods according to the tree care standards manual and the following regulations:

- (1) All tree removal and/or tree pruning works on public property shall be performed by a licensed, bonded, and insured contractor, pursuant to WMC 2.24.170.

(2) No City trees shall be cut down, killed, or removed for any reason without complying with the following public tree removal process:

- (a) File an application with the Planning Department;
- (b) Secure a permit for tree removal;
- (c) Trees shall be replaced to mitigate the loss of the removed tree(s) equal to one tree credit in accordance with the replacement table of WMC ~~21.16.170(4)~~ 21.15.070.

(3) A tree removal permit is required to be obtained prior to the removal of any City tree by a private party. A permit shall be approved only when one or more of the following conditions exist as determined by City staff:

- (a) The tree is infected with an epidemic insect or disease for which removal is the recommended practice to prevent transmission to other trees;
- (b) The tree poses a public nuisance;
- (c) The tree poses a safety hazard that pruning, transplanting, or other treatments cannot correct;
- (d) The tree severely interferes with the growth and development of a more desirable tree;
- (e) Required infrastructure work or improvements would kill the tree or render it a hazard/danger and no other alternative is feasible;
- (f) Removal of the tree is necessary to implement or maintain a vegetation management plan for the area, as approved by the City;
- (g) Removal of the tree(s) is necessary to provide the only reasonable access to adjacent private property.

(4) Mitigation is required if a public tree is removed, injured, or otherwise damaged by a private party. The mitigation value shall be calculated by the City or qualified representative using the formula outlined in the most recent edition of the "Guide for Plant Appraisal," published by the International Society of Arboriculture, or other comparable source authorized by the Planning Director. Current calculated timber, pulpwood, or cordwood values will not be acceptable mitigation values for public trees. The mitigation value shall be paid into the City tree account as established in WMC ~~21.16.170(3)(d)~~ 21.15.050 or the City will require a replacement to be installed in accordance with the regulations and standards set forth for public trees. All or a portion of this mitigation may be met by planting replacement trees on- or off-site as determined by the City.

Section 3. Amendment to Chapter 20.06, Subdivision and Short Subdivision Regulations, is hereby amended to read as set forth in below. New text is shown by underline; deleted text is shown by ~~strikethrough~~.

20.06.175 Tree preservation and protection.

All subdivisions and short subdivisions shall provide tree preservation and protection in accordance with Chapter ~~21.16~~ 21.15 WMC. A tree plan shall be part of the preliminary plat or short plat submittal requirements and approved prior to preliminary or short plat approval.

20.06.220 Improvements– Construction.

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

(1) Complete construction drawings, specifications and related material shall be submitted to the City Permits Center Director/Building Official for approval prior to the commencement of construction. The submitted drawings and specifications shall be designed and certified by a registered civil engineer. Construction drawings shall be in conformance with the conditions, if any, of preliminary plat or short plat approval and applicable City standard.

(2) Construction of improvements shall not be initiated without authorization of the City Engineer. The City Engineer shall authorize the subdivider to proceed with construction after approval of the construction drawings and specifications by the appropriate City department. The City Engineer may grant approval on condition additions or changes are made in the drawings or specifications, or on the inclusion or implementation of mitigating measures necessary to minimize the impacts of the construction on the environment. Conditions required to minimize environmental impacts shall conform with the requirements of the WMC regarding environmental impact procedures.

(3) Any changes to the construction drawings or specifications involving design of the improvements shall first be reviewed and approved by the City Engineer and the appropriate City department.

(4) City Tree Official-approved tree protection measures shall be installed and inspected prior to beginning any construction activities. Damage to any preserved tree shall result in replacement pursuant to WMC ~~21.16.130 and 21.16.170~~ 21.15.070 of the damaged tree to equal the number of tree credits lost as a result of the damage. After construction activities are completed, the applicant shall provide an inspection report prepared by a certified arborist of the condition of the preserved trees.

Section 4. Amendment to Chapter 21.06, Technical Terms and Land Use Definitions, is hereby amended to read as set forth in below. New text is shown by underline; deleted text is shown by ~~strikethrough~~.

21.06.089 Canopy. Canopy: the percentage of the city or a site's area that are shaded by trees.

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

21.06.139 Critical Root Zone. Critical Root Zone: the area surrounding a tree at a distance from the trunk, which is equal to one foot for every inch of tree diameter at breast height or otherwise determined by a qualified tree professional. ~~Danger tree.~~ ~~Danger tree:~~ any tree with a combination of structural defect and/or disease that makes it subject to a high probability of failure ~~(according to the current International Society of Arboriculture's~~

~~Tree Hazard Evaluation Standards for Hazard Tree Rating), and a proximity to persons or property that is immediately threatening, as determined by a certified arborist.~~

- 21.06.140** **Crown.** Crown: the area of a tree containing leaf- or needle-bearing branches.
- 21.06.140141** **Daycare.** Daycare: an establishment for group care of nonresident adults or children.
 (1) Daycare shall include, but not be limited to, NAICS Industry No. 624411 – Child daycare services, NAICS Industry No. 62412 – Adult daycare centers, and the following:
 (a) Adult daycare, such as adult day health centers or social daycare as defined by the Washington State Department of Social and Health Services;
 (b) Nursery schools for children under minimum age for education in public schools;
 (c) Kindergartens or prekindergartens when not a part of a public or private school; and
 (d) Programs covering after-school care for school children.
 (2) Daycare establishments are subclassified as follows:
 (a) Daycare I – a maximum of 12 adults or children in any 24-hour period; and
 (b) Daycare II – over 12 adults or children in any 24-hour period.
- 21.06.166** **Diameter-at-breast-height (DBH).** Diameter-at-breast-height (DBH): tree measurement guideline that is the measure in inches of the trunk diameter of each protected or preserved tree 4.5 feet above the ground line.
- 21.06.174** ~~(Reserved).~~ **Dripline.** Dripline: the distance from the tree trunk, that is equal to the furthest extent of the tree’s crown.
- 21.06.299** **Grove.** Grove: a group of three or more significant trees with overlapping or touching crowns.
- 21.06.309** **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).
- 21.06.309310** **Historic marker or plaque.** Historic marker or plaque: a sign, either freestanding or building-mounted, and not exceeding four square feet in surface area, commemorating a notable historic person or event associated with the building or site on which the marker or plaque is located or, in the case of roadside historic markers, in the immediate vicinity of the site on which the marker is located.
- 21.06.310311** **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).
- 21.06.359** **Limit of Disturbance, Tree.** Limit of Disturbance, Tree: the boundary between the area of minimum protection around a tree and the allowable site disturbance as determined by a qualified tree professional.

- 21.06.486** **Qualified Tree Professional.** **Qualified Tree Professional:** an individual with relevant education and training in arboriculture or urban forestry. The individual must be an arborist certified by the International Society of Arboriculture or a registered consulting arborist from the American Society of Consulting Arborists. A qualified tree professional must be certified at tree risk assessments and prescribe appropriate measures necessary for the preservation of trees during land development. For Forest Management Plans, the qualified tree professional must have the ability to assess wooded sites and prescribe measures for forest health and safety. A qualified tree professional that makes determinations on hazard or nuisance trees is required to have certification as a tree risk assessor.
- 21.06.599** **Significant tree.** **Significant tree:** an existing healthy tree which has a minimum diameter-at-breast-height of six (6) inches, as measured according to the most current published edition of the International Society of Arboriculture's "Guide for Plant Appraisal".
- 21.06.599600** **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 and humans holding signs are considered temporary signs. Signs or limited duration can be manually removed without the use of tools or equipment.
- 21.06.600602** **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.
- 21.06.617** **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.
- 21.06.679** ~~**Tree and/or plant industry professional.**~~ ~~**Tree and/or plant industry professional;**~~ an individual who has professional experience in the tree and/or plant industry including, but not limited to, arboriculture, landscaping, horticulture, urban forestry or similar industries as also defined in Woodinville Municipal Code 2.24.010(12). (Reserved)
- 21.06.680** **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.
- 21.06.680682** **Ultimate roadway section.** **Ultimate roadway section:** a designation by the City of Woodinville that the maximum roadway or intersection capacity has been reached and further right-of-way acquisition and/or improvements are not feasible to increase peak hour vehicle capacity.
- 21.06.683** **Understory.** **Understory:** The layer formed by grasses, shrubs, and small trees under the canopy of larger trees and plants.
- 21.06.695** **Viable Tree.** **Viable Tree:** a significant tree that a qualified tree professional has determined to be in good health, 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 that is suitable for its location.

- 21.06.695697 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) 51151 – Apprenticeship training; and
 - (2) 61121 – Junior colleges.

21.06.716 Windfirm. Windfirm: a condition of a tree in which it can withstand moderate storm winds.

Section 5. Amendment to Chapter 21.14, Development Standards – Design Requirements. is hereby amended to read as set forth in below. New text is shown by underline; deleted text is shown by ~~strikethrough~~.

21.14.710 Site landscaping.

(1) Intent.

(a) To encourage the abundant use of gardens and other landscaping in site and development design to improve site aesthetics, enhance the pedestrian experience, and increase the uniqueness of Woodinville.

(2) Design Principle. All developments shall comply with the provisions of Chapter 21.16 WMC, Development Standards – ~~Tree Retention and Landscaping~~, and demonstrate in their development plans how they meet the intent.

Section 6. Amendment to Chapter 21.16, Development Standards – Tree Retention and Landscaping, is hereby amended to read as set forth in below. New text is shown by underline; deleted text is shown by ~~strikethrough~~.

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

- ~~21.16.125 — Tree preservation exemptions.~~
~~21.16.128 — Single-family residential tree preservation incentives~~
~~21.16.130 — Tree preservation requirements.~~
~~21.16.140 — Tree preservation plan.~~
~~21.16.150 — Incentives for tree preservation.~~
~~21.16.160 — Tree protection.~~
~~21.16.170 — Tree replacement.~~

21.16.020 Application.

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

21.16.030 Land use grouping.

In order to facilitate the application of this chapter, the land uses of Chapter 21.08 WMC have been grouped in the following manner:

(6) Uses contained in Chapter 21.08 WMC that are not listed in subsections (1) through (5) of this section shall not be subject to landscaping and tree retention except as specified in any applicable review of a conditional use or special use permit.

21.16.090 Landscaping– General requirements.

(18) A ~~tree or plant professional~~ qualified tree professional, as defined in WMC 21.06.679-21.06.486, shall be on-site during any site work affecting preserved trees.

21.16.100 Landscaping– Alternative options.

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

(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 10 significant trees per acre on-site (above the requirements of WMC 21.16.130(2) and ~~(3) 21.15.070~~), whichever is greater;

21.16.125 ~~Tree preservation exemptions.~~

- ~~(1) Additions, alterations, or site work related to an existing single-family home are exempt from tree preservation requirements except as stated in WMC 21.16.130(5).~~
- ~~(2) Tree removal to construct a single-family residence or detached accessory dwelling unit on a pre-existing single-family lot shall be allowed without a permit provided that the pre-existing lot retains a minimum of 30 tree credits per acre as required in WMC 21.16.130(1)(a). If tree removal creates a site condition of less than 30 tree credits per acre, then a tree replacement plan must be submitted meeting the requirements of WMC 21.16.170(4) to attain the 30 tree credit per acre minimum. Voluntary tree preservation is strongly encouraged and may be eligible for a permit fee rebate in accordance with WMC 21.16.128. (Ord. 335 § 2, 2003; Ord. 256 § 2, 2000; Ord. 239 § 4, 1999)~~
- ~~(3) Danger trees may be removed without a permit, provided that the owner submits to the City a written statement from a certified arborist demonstrating that the tree in question satisfies the criteria of a danger tree pursuant to WMC 21.06.139. Prior to danger tree removal, the City Tree Official must first confirm the credentials of the selected certified arborist, and if satisfied with the arborist's standing, will require written notification from the certified arborist pertaining to the danger tree status of the tree(s) in question.~~

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

(1) Single Family Residential Tree Preservation Incentive Table

Tree credits Preserved	Permit Fee Rebate
30 tree credits	\$350
25 tree credits	\$300
20 tree credits	\$250

15 tree credits	\$200
10 tree credits	\$150

- (1) ~~The applicant may request a Permit Fee Rebate one (1) year after the completion of the new residence or new detached dwelling unit provided that all preserved trees used to calculate tree credits are retained except as provided for in WMC 21.16.130(f). A Permit Fee Rebate must be applied for no later than three (3) years following the completion of the residence.~~
- (2) ~~A property owner may request approval for removal of the preserved trees within that year when the applicant demonstrates that new trees will be planted in accordance with replacement regulations of WMC 21.16.170 to bring the tree credits equal to the amount of the credit originally received.~~
- (3) ~~When the applicant is eligible to receive the rebate, the applicant may designate the rebate amount be paid towards a City tree related program in lieu of receiving payment. A list of current tree programs shall be on file with the Planning Department.~~
- (4) ~~Danger trees do not apply to this incentive.~~

21.16.130 — Tree preservation requirements.

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

Diameter-at-breast height (in inches)	Credits	Diameter-at-breast height (in inches)	Credits	Diameter-at-breast height (in inches)	Credits
1-4	.1	22	2.6	37	7.5
5-7	.3	23	2.9	38	7.9
8-9	.5	24	3.1	39	8.3
10	.6	25	3.4	40	8.7
11	.7	26	3.7	41	9.2
12	.8	27	4.0	42	9.6
13	.9	28	4.3	43	10.1
14	1.1	29	4.6	44	10.6
15	1.2	30	4.9	45	11.0
16	1.4	31	5.2	46	12.6
17	1.6	32	5.6	47	12.0
18	1.8	33	5.9	48	12.6
19	2.0	34	6.3	49	13.1
20	2.2	35	6.7	50	13.6
21	2.4	36	7.1		

- (b) ~~Trees located within any required perimeter landscaping area shall be preserved and credited towards the required number of tree credits;~~
- (c) ~~An adequate buffer of smaller trees shall be preserved or replaced on the fringe of trees that were previously located in a closed, forested situation to mitigate wind impacts.~~
- (d) ~~A grouping of three (3) or more existing trees with canopies that touch or overlap, may be given one (1) tree credit provided each tree has a diameter at breast height of at least three (3) inches;~~
- (e) ~~A Heritage Tree shall be credited at twice the diameter at breast height for tree credit calculation. An applicant may receive credit if a tree is nominated and receives recognition for a Heritage Tree on-site prior to final approval of the tree preservation plan.~~
- (f) ~~Except as provided in subsection (g), trees to be preserved shall not include trees that are:~~
- ~~— (i) Identified by a certified arborist to be damaged, diseased, or a danger tree;~~
 - ~~— (ii) Determined by a certified arborist to be safety hazards due to potential root, trunk or primary limb failure, or exposure of mature trees which have grown in a closed, forested situation; and~~
 - ~~— (iii) At risk of damage due to the proximity of the constructed project, as determined by a certified arborist.~~
- (g) ~~At the discretion of the City Tree Official, damaged or diseased or standing dead trees may be preserved and credited toward the tree preservation requirement if demonstrated that such trees will provide important wildlife habitat and are not classified as a danger tree. Danger trees may be felled to prevent hazardous conditions and must not be removed.~~
- (h) ~~Additional tree preservation may be required when a project is located on or within 50 feet of steep sloped areas as determined by the City Tree Official. Type III landscaping is required for any perimeter area of a project that is exposed on the slope where there is direct visual impact from other areas of the~~

City.

- (i) ~~It shall be the responsibility of the applicant to pay for the services of the certified arborist.~~
 - (j) ~~A development will receive an additional 5 tree credits for upgrading an entire required landscape area from Type III to Type II and from Type II to Type I on site.~~
- (2) ~~If the applicant's site design and layout fails to preserve the required number of tree credits as set forth in WMC Section 21.16.130(1), the City Tree Official shall require the site design and layout to be redesigned to preserve the required tree credits. Such redesign can include, but is not limited to, streets, sidewalks, stormwater facilities, utilities, parking lots, site grading, buildings, and other man-made structures or facilities.~~
- (3) ~~The applicant's site design and layout shall be exempted from WMC 21.16.130(2) if the replacement of the trees is consistent with the intent of this chapter and the applicant meets any of the following criteria:~~
- (a) ~~Redesign of the site will result in substantial economic harm to the applicant, by an increase in development costs of 25 percent or more;~~
 - (b) ~~The redesign of the site cannot be achieved without threatening the viability of the preserved trees, as determined by a certified arborist; or~~
 - (c) ~~No alternate way to redesign the site design and layout exists without violating city regulations or ordinances.~~
- (4) ~~Existing tree corridors adjacent to other tree corridors shall be preserved unless the development qualifies for an exemption under subsection (3).~~
- (5) ~~When no new development is proposed, trees may be removed, provided:~~
- (a) ~~No permit is required for removal of up to nine (9) tree credits per twelve month period or nine (9) tree credits, according to the tree credits schedule of WMC 21.16.130, per acre per twelve month period, except in critical areas as provided by WMC 21.24.~~
 - (b) ~~Removal of more than nine (9) tree credits per twelve month period or nine (9) tree credits per acre per twelve month period requires approval of a land surface modification permit. If removal creates a site condition of less than 30 tree credits per acres, tree replacement shall be in accordance with WMC 21.16.170(4). Tree credits may also be achieved in accordance with WMC 21.16.130(1) (d), (e), or (j).~~
 - (c) ~~The land surface modification application shall include the following:~~
 - (i) ~~Identification of sloped areas more than fifteen (15) percent in grade.~~
 - (ii) ~~Location of any streams or wetlands on or within 100 feet of the property.~~
 - (iii) ~~Tree preservation plan per WMC 21.16.140.~~
 - (iv) ~~Tree replacement plan per WMC 21.16.170.~~
 - (v) ~~Erosion control plan, if required.~~
 - (d) ~~Removal of trees may activate other permitting requirements and/or regulations of other local, state, and/or federal regulation authorities.~~
 - (e) ~~For any tree removal, tree replacement according to WMC 21.16.170 must be performed to mitigate for the removed trees to reach 30 tree credits per acre tree density.~~
 - (f) ~~If more than nine (9) tree credits per twelve month period or nine (9) tree credits per acre per twelve month period are removed without a land surface modification permit, a daily civil penalty for each tree shall apply as set forth in WMC Section 1.03 and 1.06. Immediate replacement as set forth in WMC 21.16.170 will be required.~~

21.16.140 — ~~Tree preservation plan.~~ The applicant shall submit a tree preservation plan concurrent with a land surface modification permit, site development permit, building permit, design review, SEPA, preliminary subdivision, or short subdivision application, whichever is reviewed and approved first. Prior to determination of a complete application, the City Tree Official shall make a site visit to confirm the presence of trees. The tree preservation plan shall consist of:

- ~~(1) A tree survey that identifies the location, size, and species of all trees or grouping of trees on a site. The tree survey may be conducted by a method that locates individual trees or by using standard timber cruising methods to reflect general locations, numbers, and grouping of trees provided that, when using either method, the survey shall show:

 - ~~(a) The location and species of each tree that is intended to qualify for additional credit pursuant to WMC 21.16.150, and~~
 - ~~(b) Any tree eighteen (18) inches or greater in diameter for the purpose of establishing wildlife habitat value;~~~~
- ~~(2) A development plan identifying the trees that are proposed to be preserved, transplanted, or restored.~~
- ~~(3) The preservation plan shall be developed to include maintenance considerations.~~
- ~~(4) A report by certified arborist to include, as a minimum, the following:

 - ~~(a) Plan review and impact assessment of tree removal and preservation with the proposed development;~~
 - ~~(b) Recommendations to reduce impact where impact is considered too severe;~~
 - ~~(c) Tree preservation guidelines to be incorporated during site development;~~
 - ~~(d) Maintenance recommendations for completed project.~~~~

21.16.150 — ~~Incentives for tree preservation~~

- ~~(1) Each tree that is not located in the area for perimeter landscaping and is preserved may receive (3) three tree credits for complying with the retention requirements of WMC 21.16.130, provided it meets one or more of the following criteria:

 - ~~(a) The tree exceeds sixty (60) feet in height, or twenty four (24) inches in diameter for evergreen trees or thirty (30) inches for broadleaf trees;~~
 - ~~(b) The tree is located in a grouping of at least five (5) trees with canopies that touch or overlap;~~
 - ~~(c) The tree provides energy savings through winter wind protection or summer shading as a result of its location relative to buildings;~~
 - ~~(d) The tree belongs to a unique or unusual species as determined by the City Tree Official;~~
 - ~~(e) The tree is located within twenty five (25) feet of any sensitive area or required sensitive area buffers;~~
 - ~~(f) The tree is eighteen (18) inches or greater in diameter at breast height and is identified as providing valuable wildlife habitat as determined by the City Tree Official; and~~
 - ~~(g) Trees that are used in a unique way to shield utilities and contribute to an increase in efficiency of such functions as storm water run-off and car exhaust buffering. A study prepared by a qualified professional shall be submitted by the applicant and reviewed by the City Tree Official that verifies the increase in efficiency.~~~~

- (2) ~~The following incentives are provided to encourage more tree preservation. The same trees may not be used to receive more than one of the following incentives:~~
- ~~(a) A reduction in setback requirements to not less than two (2) feet may be administratively granted for developments that increase the number of tree credits preserved on site by one and one half times (1 1/2). A request for using the incentive shall be submitted by the applicant prior to issuance of any permits for the new development. The City Tree Official shall review the request for final decision. The setback reduction shall not violate any other codes or restrictions that govern development. The applicant shall demonstrate to the City Official that the site is laid out in such a manner as to adequately provide for the health and sustainability of trees and landscaped areas and are not affected by the development;~~
 - ~~(b) One (1) residential unit bonus, not to exceed the maximum density of WMC 21.12.030 and 21.12.040, shall be given for a residential project that exceeds the required number of tree credits by one and one half (1 1/2) times. The applicant must demonstrate to the City Tree Official that the site is laid out in such a manner as to adequately provide for the health and sustainability of the trees and landscaped areas and is not affected by the development; or~~
 - ~~(c) A 50 percent reduction in Consultant Fees, not to exceed \$1,000 for landscape review shall be given to those projects that exceed the required number of tree credits by 4 times.~~

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

- ~~(1) No clearing shall be allowed on a site until approval of tree preservation and landscape plans;~~
- ~~(2) An area of prohibited disturbance, generally corresponding to the drip line of the significant tree shall be identified during the construction stage and a temporary five (5) foot high chain link shall be placed prior to any clearing and grading. Plastic fencing may be used as approved by the City Tree Official. If any sign of disturbance is observed by the City within the tree protection area, chain link fencing shall be required;~~
- ~~(3) No impervious surfaces, fill, excavation, or storage of construction materials shall be permitted within the area defined by such fencing or stakes;~~
- ~~(4) A tree designated for preservation shall not have the soil grade altered within its dripline or within fifteen (15) feet of its trunk whichever is greater. The grade may be lowered if a certified arborist with the concurrence of the City Tree Official determines the impact of lowering the grade within the area described in this subsection will not adversely affect the health of the tree;~~
- ~~(5) Trees shall not be designated for preservation if they are dead or in a declining state or if they are a danger tree except as provided for in WMC 21.16.130(1)(g).~~
- ~~(6) Grade level changes described in Subsections (4), above shall be done according to a plan prepared by a certified arborist that includes measures to be incorporated to reduce adverse impacts on trees protected; and~~
- ~~(7) Alternative protection methods may be used if determined by the City Tree Official to provide equal or greater tree protection.~~

21.16.170 ~~Tree replacement.~~

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

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

7	1.2	14	2.5
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Section 7. Amendment to Chapter 21.17, Forest Practice Regulations, is hereby amended to read as set forth in below. New text is shown by underline; deleted text is shown by ~~strikethrough~~.

21.17.050 Forest practice application requirements.

(1) General Requirements.

(e) Tree preservation standards shall be applied to forest practices in accordance with ~~WMC 21.16.130 through 21.16.200~~ WMC 21.15.

(2) Review Criteria.

(c) Class IV-General forest practices proposed where a development permit, other than a land surface modification permit, has not been submitted shall comply with the following additional requirements:

(i) No more than 35 percent of the volume of trees, by species shall be removed or no less than ~~30~~ the required tree credits per acre pursuant to WMC ~~21.16.130~~ 21.15.070 shall remain, which ever is greater, within any six-year period throughout the gross area of the site. Sensitive areas and associated buffers may not be applied. The retained trees shall consist of timber that is equivalent to the average size, age, and species of the harvested trees; and

Section 8. Amendment to Chapter 21.24, Development Standards – Critical Areas, is hereby amended to read as set forth in below. New text is shown by underline; deleted text is shown by ~~strikethrough~~.

21.24.430 Fish and wildlife habitat conservation areas– Performance standards.

(11) Tree Retention. The tree retention provisions of Chapter ~~21.16~~ 21.15 WMC shall apply to the protection of fish and wildlife habitat conservation areas.

Section 9. Amendment to Chapter 21.34, General Provisions – Residential Density Incentives, is hereby amended to read as set forth in below. New text is shown by underline; deleted text is shown by ~~strikethrough~~.

21.34.040 Public benefits and density incentives.

(6) The following are the public benefits eligible to earn density incentives through RDI review:

(g) Tree Preservation.

	BENEFIT	DENSITY INCENTIVE
Type	Qualifying Conditions	Bonus
(i) Preservation of Additional Tree Credits On Site	(a) Preservation must be one and one-half times the required preservation on site in accordance with WMC 21.16.150(2) <u>(b) WMC 21.15.070.</u> (b) Bonus must not exceed the maximum allowed density of WMC 21.12.030 or 21.12.040.	One residential bonus unit.

21.34.080 Applicability of development standards.

(2) RDI developments in the R-4 through R-8 zones shall be landscaped as follows:

- (a) When 75 percent or more of the units in the RDI development consists of townhomes or apartments, the development shall provide perimeter landscaping and tree retention in accordance with Chapter 21.16 and 21.15 WMC for townhome or apartment projects.
 - (b) When less than 75 percent of the units in the RDI consists of townhomes or apartments, the development shall provide landscaping and tree retention in accordance with Chapter 21.16 WMC for townhomes or apartments on the portion(s) of the development containing such units; provided, that if buildings containing such units are more than 100 feet from the development's perimeter, the required landscaping may be reduced by 50 percent.
 - (c) All other portions of the RDI shall provide landscaping or retain trees in accordance with Chapter 21.16 WMC.
- (3) RDI developments in all other zones shall be landscaped or retain trees in accordance with Chapter 21.16 and 21.15 WMC.

Section 10. Amendment to Chapter 21.38, Property-Specific Development Standards and Special District Overlays, is hereby amended to read as set forth in below. New text is shown by underline; deleted text is shown by ~~strikethrough~~.

21.38.060 Special district overlay– Office/Research Park Development.

(2) The following development standards shall apply to uses locating in office/research park overlay districts:

- (f) The landscaping standards set forth in Chapter 21.16 WMC are modified as follows:
 - (v) An inventory of existing site vegetation shall be conducted pursuant to the procedures set forth in Chapter ~~21.16~~ and 21.15 WMC. Significant trees identified in the inventory shall be retained as set forth in Chapter ~~21.16~~ 21.15 WMC for commercial and industrial developments; and

21.38.065 Special district overlay– Tourist District.

(5) The following development standards and requirements shall apply to all development and all property under common ownership located within the Tourist District Overlay:

- (i) Landscaping shall meet the standards set forth in the City's Design Guidelines and Standards; provided, that:
 - (v) Notable trees identified in the Tree Board inventory shall be retained as set forth in Chapter ~~21.16~~ 21.15 WMC.

Section 11. Criteria for Zoning Code Amendment. The findings presented in Attachment 2 to this ordinance, regarding criteria for zoning code amendments, are hereby adopted.

Section 12. Severability. Should any section, paragraph, sentence, clause, or phrase of this Ordinance be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance. Provided, however, that if any section, sentence, clause, or phrase of this Ordinance, or any change in a land use designation is held to be invalid by a court of competent jurisdiction, or by the Growth Management Hearings Board, then the section, sentence, clause, phrase, or land use designation in effect prior to the effective date of this ordinance, shall be in full force and effect for that invalidated section, sentence, clause, phrase, or land use designation, as if this ordinance had never been adopted.

Section 13. Copy to CTED. Pursuant to RCW 36.70A.106(3), the City Clerk is directed to send a copy of the amendments to the State Department of Community, Trade, and Economic Development for its files within ten (10) days after adoption of this Ordinance.

Section 14. Effective Date. The adoption of this Ordinance, which is a power specifically delegated to the City legislative body, is not subject to referendum. This Ordinance or a summary thereof shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL AND SIGNED IN AUTHENTICATION OF ITS
PASSAGE THIS 17th DAY OF MARCH 2009.**

Bob Vogt, Deputy Mayor for
Scott Hageman, Mayor

ATTEST/AUTHENTICATED:

Jennifer Kuhn
City Clerk/CMC

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

Greg A. Rubstello
City Attorney

PASSED BY THE CITY COUNCIL: 3/17/2009
PUBLISHED: 3/23/2009
ORDINANCE NO. 478

CHAPTER 21.15 DEVELOPMENT STANDARDS - TREE PROTECTION

SECTIONS:

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

21.15.010 Purpose and Intent.

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

Woodinville's tree canopy to achieve an overall healthy tree canopy cover of 40 percent city-wide over time;

- (e) Encourage tree retention efforts by allowing flexibility with respect to certain other development requirements;
- (f) Implement the goals and objectives of the City's Comprehensive Plan;
- (g) Implement the goals and objectives of the State Environmental Policy Act (SEPA).

21.15.020 Applicability.

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

21.15.030 Exemptions

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

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

21.15.040 Alternative Compliance

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

for alternative compliance. Alternative compliance is intended mainly for those development applications requiring a Tree Plan II, pursuant WMC 21.15.060(3).

21.15.050 City Tree Fund

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

21.15.060 Tree Plans, Review Procedures, and Tree Typing.

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

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

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

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

- (b) Previously Approved Development. Any subdivision or short subdivision that is subject to an approved tree plan that had approval prior to the effective date of this ordinance shall not be subject to the tree retention and plan requirements in this section, except that any requested changes to the previously approved tree plan that results in removal of additional existing trees shall trigger the requirements under this ordinance. The unchanged tree plan approval shall apply to any building or site development permits that are applied for in conformance with the approval of that subdivision or short subdivision.
- (3) Tree Plan and Retention Requirements. The following table sets forth the different tree plans required for development activities or removal requests requiring a tree removal permit. Applicants for development subject to Tree Plan II or III are required to attend a Technical Review Committee Meeting prior to submittal, and are strongly encouraged to do so prior to any site design work, so that the applicable tree retention and replacement concepts can be incorporated into the design of the subject property. Each tree plan sets forth the required components and retention standards. The City Tree Official may waive a component for a tree plan, if he or she determines that the information is not necessary due to conditions of the property.
- (a) Table 1 Tree Plan Requirements.

(i) TYPE OF PLAN REQUIRED

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

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

(ii) PLAN REQUIREMENTS

<u>Requirement</u>	<u>Tree Plan I</u>	<u>Tree Plan II</u>	<u>Tree Plan III</u>	<u>Tree Plan IV</u>
<u>1) Tree Location</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> <u>(Must be surveyed)</u>	<input checked="" type="checkbox"/> <u>(Must be surveyed)</u>	<input checked="" type="checkbox"/> <u>(If more than 2 trees cut)</u>
<u>2) Tree Inventory</u>	<ul style="list-style-type: none"> • <u>Size in DBH</u> • <u>Species</u> • <u>General health</u> 	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • <u>Size in DBH</u> • <u>Species</u>
<u>3) Site Plan</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> <u>(If more than 2 trees cut)</u>
<u>4) Planting Plan</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u>5) Tree protection measures</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
<u>6) Tree density calculations</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u>7) Preservation and maintenance agreement</u>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
<u>8) Other Requirements</u>	<p>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</p> <p>2) For Tree Plan I – Minor, the above tree information shall be required only for trees potentially impacted by proposed development activity, and surveyed tree locations shall not be required.</p> <p>3) For lots from a subdivision or short subdivision, with an approved Tree Plan III, the tree information</p>			<p>1) A property owner may remove up to two significant trees from their property within a 12-month period under a Tree Plan IV. There is no limit on the number of hazard trees that may be removed; however, additional non-hazard trees may not be cut within the 12-month period if two or more hazard trees are removed.</p> <p>2) An arborist report will be required, explaining how the tree(s) fit the criteria in this section, if removal is based on nuisance or hazard and the nuisance or hazard condition is not obvious. A qualified tree professional that provides the arborist</p>

Requirement	Tree Plan I	Tree Plan II	Tree Plan III	Tree Plan IV
	<p><u>shall be transferred over and the applicant must comply with the applicable Tree Plan III requirements.</u></p>			<p><u>report for hazard or nuisance trees shall be certified in tree risk assessment.</u> <u>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.</u> <u>4) Tree removal on undeveloped property shall be approved only for hazard or nuisance trees pursuant to the criteria in this section. The tree removal exemptions in WMC 21.15.030 are not applicable to undeveloped property.</u> <u>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.</u></p>

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

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

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

- 4) For required replacement trees, a *planting plan* must be submitted showing location, size and species of the new trees in accordance to standards set forth in this section.
- 5) A description and location of tree protection measures during construction for trees to be retained must be shown on demolition, drainage and grading plans. Protection measures must be in accordance with this 21.15.080.
- 6) Prior to permit approval, the applicant shall provide a plan showing *tree density calculations* pursuant to this section, retained trees, trees to be removed, and any required supplemental trees to meet the minimum density.
- 7) The applicant shall submit a *preservation and maintenance agreement* pursuant to WMC 21.15.100, for approval prior to occupancy, recording or final inspection.

(iii) TREE DENSITY REQUIREMENTS

Requirement	Tree Plan I	Tree Plan II	Tree Plan III	Tree Plan IV
Tree Density Requirements	<p><u>The minimum tree density shall apply to the site to Tree Plan I – Major.</u></p> <p><u>Tree Plan I-Minor shall provide either the lesser of the minimum tree density, or 50% greater tree credit than currently exists if the site is nonconforming. If the size currently has zero credits, a total of 10 credits will be required.*</u></p>	<p><u>The minimum tree density shall apply to all Tree Plan II.</u></p>	<p><u>The minimum tree density shall apply to all Tree Plan III.</u></p>	<p><u>Tree Plan IV shall provide either the lesser of the minimum tree density or 50% greater tree credit than currently exists if the site is nonconforming. If the size currently has zero credits, a total of 10 credits will be required.*</u></p>

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

- (4) Qualified Tree Professional Reports. Reports prepared by a qualified tree professional shall contain the following information, unless waived by the City Tree Official. In cases where the City Tree Official does not agree with the qualified tree professionals determination, the City Tree Official may seek a third party review, to be reimbursed by the applicant according to the City's current fee schedule.
 - (a) A complete description of each tree's health and viability. If a tree is not viable for retention, the reason(s) must be soundly based on health, high risk of failure due to structure, defects, unavoidable isolation (windfirmness), or suitability of species and for which no reasonable alternative action is possible (pruning, cabling, etc.). The impact of necessary tree removal to remaining trees, including those in a grove or on adjacent properties, must also be discussed.
 - (b) The location of limits of disturbance around all trees potentially impacted by site disturbances and any special instructions for work within that protection area (hand-digging, tunneling, root pruning, maximum grade change, etc.).
 - (c) For development applications, a discussion of timing and installation of tree protection measures that must include fencing and be in accordance with the tree protection standards as outlined in this section.
 - (d) The suggested location and species of supplemental trees to be used when required. The report shall include planting and maintenance specifications pursuant to WMC 21.15.090 and WMC 21.15.100.
- (5) Tree Plan Review Procedure and Appeals.

- (a) When an applicant proposes a development activity or project that requires a Tree Plan Level I, II or III, the tree plan shall be reviewed as part of the applicable permit application or process.
- (b) Applicants for a Level IV tree plan must submit a completed permit application on a form provided by the City. Within 21 calendar days, the City Tree Official shall review the application and either approve, approve with conditions or modifications, deny the application, or request additional information. Any decision to deny the application shall be in writing along with the reasons for the denial and the appeal process
- (c) With respect to Level IV Tree Plans, an applicant may appeal an adverse determination to the Hearing Examiner. A written notice of appeal shall be filed with the Development Services Department within 14 calendar days following the postmark date of distribution of a City Tree Official's decision. The City shall give notice of the hearing pursuant to WMC 17.09. The applicant shall have the burden of proving that the City Tree Official made an incorrect decision. Based on the Hearing Examiner's findings and conclusions, he or she may affirm, reverse or modify the decision being appealed. The decision of the Hearing Examiner may be reviewed in County Superior Court using the standards set forth in RCW 36.70C.130. The land use petition must be filed within 21 calendar days of the issuance of the final land use decision by the Hearing Examiner.
- (6) Tree Plan Review Standards.

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

 - (i) Tree Retention Standards.

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

2) Table 2 - Tree Types.

<u>Type 1 Tree</u>	<u>Type 2 Tree</u>	<u>Type 3 Tree</u>
<p><u>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:</u></p> <ul style="list-style-type: none"> <u>a) Heritage trees;</u> <u>b) Specimen trees;</u> <u>c) Tree groves and associated vegetation that are to be set aside as preserved groves pursuant to WMC 21.15.100;</u> <u>d) Wildlife habitat regulated under WMC 21.24.410-440;</u> <u>e) Trees in geologically hazardous areas as regulated under WMC 21.24.290-310;</u> <u>f) Trees that are more than 75 years old or have a diameter-at-breast-height of at least 30 inches; or</u> <u>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.</u> 	<p><u>A viable tree that is to be retained if feasible.</u></p>	<p><u>A tree that is either (1) not viable or (2) is in an area where removal is unavoidable due to the anticipated development activity.</u></p>

3) At the discretion of the City Tree Official, damaged or diseased or standing dead trees may be preserved and credited toward the tree preservation requirement if demonstrated that such trees will provide important wildlife habitat and are not classified as a hazard or nuisance tree. Hazard or nuisance trees may be felled to prevent hazardous conditions.

(ii) Incentives and Variations to Development Standards. In order to retain trees, the applicant should pursue provisions in Woodinville's codes that allow development standards to be modified. The City Tree Official, Public Works Director, Parks & Recreation Director and Fire Marshall may review and recommend to the City Council what development standards may be modified to retain existing trees.

(iii) Additional Variations. In addition to the variations described above, the City Tree Official is authorized to require site plan alterations to retain Type 1 trees. Such alterations include minor adjustments to the location of building footprints, parking, driveways and access ways, and/or walkways, easements or utilities.

- (b) Nuisance Tree Criteria. A qualified tree professional with tree risk assessment certification shall provide documentation that a nuisance tree meets the following criteria. The City Tree Official may waive the requirement for such documentation when he/she determines that the criteria have clearly been met.
- (i) Tree is causing obvious, physical damage to private or public structures, including but not limited to: sidewalk, curb, road, driveway, parking lot, building foundation or roof;
 - (ii) Tree has been damaged by past maintenance practices that cannot be corrected with proper arboricultural practices;
 - (iii) Tree is predisposed to fungus diseases, or chronic diseased tree, that would require annual spraying;
 - (iv) There is overcrowding or overplanting; or
 - (v) The problems associated with the tree must be such that they cannot be corrected by any other reasonable practice, including but not limited to the following:
 - 1) Pruning of the crown or roots of the tree.
 - 2) Small modifications to the site including but not limited to moving a driveway, parking lot, patio or sidewalk to alleviate the problem.
 - 3) Pruning, bracing, or cabling to reconstruct a healthy crown.
- (c) Hazard Tree Criteria. A qualified tree professional with tree risk assessment certification shall provide documentation that a hazard tree meets the following criteria. The City Tree Official may waive the requirement for such documentation when he/she determines that the criteria have clearly been met.
- (i) The tree must have a combination of structural defects and/or disease which makes it subject to a high probability of failure and is in proximity to moderate-high frequency of persons or property; and
 - (ii) The hazard condition of the tree cannot be lessened with reasonable and proper arboricultural practices nor can the persons or property be removed.
- (d) Trees in Critical Areas or Critical Area Buffers. The intent of preserving vegetation in and near streams and wetlands and in geologically hazardous areas is to support the functions of healthy critical areas and their buffers and/or avoid disturbance of geologically hazardous areas (see WMC 21.24). The property owner must submit a Level IV Tree Plan to City Development Services Department to trim or fell any tree from a critical area or critical area buffer. If a tree is considered a nuisance or hazard in a critical area or its buffer, the priority action is to create a "snag" or wildlife tree with the subject tree. If creation of a snag is not feasible, then the felled tree shall be left in place unless the City Tree Official permits its removal in writing. The felling of any tree will require the replanting of an equivalent amount of tree credits in conformance with the tree planting requirements of WMC 21.15.070(2) and shall be planted in proximity to where the felled tree was located. Selection of native species is required, and timing of installation shall be approved by the City Tree Official. If more than two trees are removed, the City Tree Official may require an approval pursuant to 21.24 regarding alteration of critical areas.

21.15.070 Tree Density.

- (1) Introduction. The requirement to meet minimum tree density applies to new developments and major redevelopments, and new subdivisions and short subdivisions. If such a site falls below the minimum density with existing trees, supplemental planting shall be required. A tree density for existing trees to be retained is calculated to determine if new trees are required in order to meet the minimum density for the site. Supplemental tree location priority is set as well as minimum size of supplemental trees to meet the density.
- (2) Tree Density Requirement.

- (a) Minimum Tree Density Requirement Established. Undeveloped sites and developed sites subject to the tree density requirements pursuant to WMC 21.15.020 shall meet the required minimum tree density as follows:

 - (i) 60 tree credits per acre, except as required under subsection (ii) below
 - (ii) Single-family residential lots less than 7,200 square feet and lots in the Central Business District shall meet the required minimum tree density of 30 tree credits per acre.
- (b) For existing residential subdivisions with Native Growth Protection Easements (NGPE), the tree credits within the NGPE may be counted where the homeowners association or owner of the NGPE have determined the number of tree credits that exist within the NGPE; the remaining tree credits required for the entire subdivision to meet the minimum tree density will be equally divided among the total number of lots. Where the tree credits in the NGPE have not been determined, the minimum tree density shall apply to each lot within the subdivision.
- (c) The tree density consists of existing trees pursuant to the priority established in this section, supplemental trees or a combination of existing and supplemental trees pursuant to this section. Existing trees transplanted to an area on the same site shall not count toward the required density unless approved by the City Tree Official based on transplant specifications provided by a qualified tree professional that will ensure a good probability for survival.
- (d) Tree Density Calculation. For the purpose of calculating required minimum tree density, City right-of-way, and areas to be dedicated as City right-of-way shall be excluded from the lot area used for calculation of tree density. Tree density calculation for existing individual trees is calculated by multiplying the tree credits based on the diameter at breast height multiplied by the species multiplier:

 - (i) Diameter-at-breast-height of the tree shall be measured in inches. The measured diameter-at-breast-height shall be its size at the time of measurement, except as provided in WMC 21.15.070(2)(f).
 - (ii) The tree credit value that corresponds with diameter-at-breast-height shall be found in Table 3. The species multiplier is based on the size of canopy for a mature tree of that species, as listed in the Woodinville Plant Species List. The multipliers shall be as follows:

 - 1) Tree species that have a canopy of 34 feet or less in diameter at maturity (small trees), the multiplier shall be 0.75;
 - 2) Tree species that have a canopy of 35 feet to 44 feet in diameter at maturity (medium trees), the multiplier shall be 1.0; and
 - 3) Tree species that have a canopy of 45 feet or greater in diameter at maturity (large trees), the multiplier shall be 1.2.
 - (iii) Table 3 Tree Density Calculation (diameter-at-breast-height).

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

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

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

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

a) In preserved groves, critical areas or their buffers.

b) Adjacent to stormwater facilities as approved by the Public Works Director under WMC 14.09.

c) Entrance landscaping, traffic islands and other common areas in residential subdivisions that have enough area to support a mature tree of that species, as listed in the City of Woodinville Plant Species List.

d) Site perimeter.

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

21.15.080 Tree Protection During Construction.

- (1) Introduction. The importance of effective protection of retained trees and the understory of trees during construction is emphasized with specific protection standards in the last part of this section. These standards must be adhered to and included on demolition, grading and building plans as necessary.
- (2) Tree Protection during Development Activity. Prior to development activity or initiating tree removal on the site, vegetated areas, groves and individual trees to be preserved shall be protected from potentially damaging activities pursuant to the following standards. A meeting on-site between the City Tree Official, or designee and the contractor shall be held to determine that these standards have been met, prior to site disturbance.

 - (a) Protected Area. A protected area shall be established that shall be measured to include the area five (5) feet beyond the dripline of all retained trees.
 - (b) Placing Materials near Trees. No person may conduct any activity within the protected area of any tree designated to remain, including, but not limited to, operating or parking equipment, placing solvents, storing building material or soil deposits, or dumping concrete washout or other chemicals. During construction, no person shall attach any object to any tree designated for protection.
 - (c) Protective Barrier. Prior to any development, land clearing, filling or any land alteration, the applicant shall:

 - (i) Erect and maintain readily visible temporary protective fencing along the limits of disturbance which completely surrounds the protected area of all retained trees or groups of trees and their understory. Fences shall be constructed of chain link and be at least four feet high, unless other type of fencing is authorized by the City Tree Official.
 - (ii) Install highly visible signs spaced no further than 15 feet along the entirety of the protective tree fence. Said sign must be approved by the City Tree Official and shall state at a minimum "Tree Protection Area, Entrance Prohibited" and provide the City phone number for code enforcement to report violations.
 - (iii) Prohibit excavation or compaction of earth or other potentially damaging activities within the barriers; provided, that the City Tree Official may allow such activities approved by and under the supervision of a qualified tree professional retained and paid for by the applicant.
 - (iv) Maintain the protective barriers in place until the City Tree Official authorizes their removal, which shall not be prior to completion of major site development.
 - (v) Ensure that any approved landscaping done in the protected area subsequent to the removal of the barriers shall be accomplished with light machinery or hand labor.
 - (vi) In addition to the above, the City Tree Official may require the following as site conditions require:

 - 1) If equipment is authorized to operate within the critical root zone, the areas adjoining the critical root zone of a tree shall be covered with mulch to a depth of at least six inches, or with plywood, metal or similar material in order to protect roots from damage caused by heavy equipment.
 - 2) Minimize root damage by excavating a two-foot-deep trench, at edge of critical root zone, to cleanly sever the roots of trees to be retained.
 - 3) Corrective pruning performed on protected trees in order to avoid damage from machinery or building activity.
 - 4) Maintenance of trees throughout construction period by watering.

(d) Grade.

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

21.15.090 Installation Standards for Required Tree Plantings

- (1) All required trees shall be installed according to sound horticultural practices in a manner designed to encourage quick establishment and healthy plant growth. All required trees shall be installed in the ground and not in above-ground containers. When an applicant proposes to locate a subterranean structure under required trees that appears to be at grade, the applicant will: (1) provide site-specific documentation prepared by a qualified expert to establish that the design will adequately support the long-term viability of the required trees; and (2) enter into an agreement with the City, in a form acceptable to the City Attorney, indemnifying the City from any damage resulting from development activity on the subject property which is related to the physical condition of the property. The applicant shall record this agreement with the County Records Office.
- (2) Compliance. It is the applicant's responsibility to show that the proposed tree plan complies with the regulations of this chapter.
- (3) Timing. All trees shall be installed prior to the issuance of a certificate of occupancy or plat recording, except that the installation of any required tree may be deferred during the summer months to the next planting season, but never for more than six months. Deferred installation shall be secured with a performance security pursuant to WMC 15.42 or 20.06 prior to the issuance of a certificate of occupancy or plat recording.

- (4) Grading. Berms shall not exceed a slope of two horizontal feet to one vertical foot (2:1).
- (5) Soil Specifications. Soils in planting areas shall have adequate porosity to allow root growth. Soils which have been compacted to a density greater than one and three-tenths grams per cubic centimeters shall be loosened to increase aeration to a minimum depth of 24 inches or to the depth of the largest plant root ball, whichever is greater. Imported topsoils shall be tilled into existing soils to prevent a distinct soil interface from forming. After soil preparation is completed, motorized vehicles shall be kept off to prevent excessive compaction and underground pipe damage. The organic content of soils in any planting area shall be as necessary to provide adequate nutrient and moisture-retention levels for the establishment of plantings.
- (6) Tree Selection.

 - (a) Tree selection shall be consistent with the City of Woodinville Plant Species List or the Critical Area Plant List if within a critical area or buffer, which is produced by the City's Development Services Department and available at City Hall.
 - (b) Trees shall be selected and sited to produce a hardy and drought-resistant landscape area. Selection shall consider soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site. Preservation of existing vegetation is strongly encouraged.
 - (c) Prohibited Materials. Plants listed as prohibited in the Woodinville Plant Species List are prohibited for required tree plantings. Additionally, there are other plants that may not be used if identified in the Woodinville Plant Species List as potentially damaging to sidewalks, roads, underground utilities, drainage improvements, foundations, or when not provided with enough growing space.
 - (d) All trees shall conform to American Association of Nurserymen (AAN) grades and standards as published in the "American Standard for Nursery Stock" manual.
 - (e) Trees shall meet the minimum size standards established in other sections of the WMC.
 - (f) Multiple-stemmed trees may be permitted as an option to single-stemmed trees provided that such multiple-stemmed trees are at least 10 feet in height and that they are approved by the City Tree Official prior to installation.
- (7) Fertilization. Fertilization of trees planted shall be by special approval of the City Tree Official only.
- (8) Irrigation. Irrigation shall be required for any tree planting completed pursuant to this section. The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. All required plantings must provide an irrigation system, using either Option 1, 2, or 3 or a combination of those options. For each option irrigation shall be designed to conserve water by using the best management techniques available. These techniques may include, but not be limited to: drip irrigation to minimize evaporation loss, moisture sensors to prevent irrigation during rainy periods, automatic controllers to insure proper duration of watering, sprinkler head selection and spacing designed to minimize overspray, and separate zones for turf and shrubs and for full sun exposure and shady areas to meet watering needs of different sections of the trees. Exceptions, as approved by the City Tree Official, to the irrigation requirement may be approved xeriscape (i.e., low water usage plantings), plantings approved for low impact development techniques, established indigenous plant material, or where natural appearance is acceptable or desirable to the City. However, those exceptions will require temporary irrigation (Option 2 and/or 3) until established.

 - (a) Option 1. A permanent built-in irrigation system with an automatic controller designed and certified by a licensed landscape architect as part of the tree plan.
 - (b) Option 2. An irrigation system designed and certified by a licensed landscape architect as part of the tree plan, which provides sufficient water to ensure that the

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

21.15.100 Tree Maintenance Requirements

- (1) The following maintenance requirements apply to all trees the City requires to be planted or preserved for projects subject to Tree Plan III and Tree Plan II:
- (a) Responsibility for Regular Maintenance. Required trees shall be considered as elements of the project in the same manner as parking, building materials, landscaping, fences, walls, and other site details. The applicant, landowner, or successors in interest shall be responsible for the regular maintenance of required trees. Trees that die and are removed shall be replaced in kind by the property owner. The timing of the replacement planting shall be determined by the City Tree Official and a qualified tree professional.
- (b) Maintenance Duration. Maintenance shall be ensured in the following manner except as set forth in subsections (c) and (d) of this section:
- (i) All required trees shall be maintained throughout the life of the development. Prior to issuance of a certificate of occupancy or plat recording, the proponent shall provide a final as-built tree plan and an agreement to maintain and replace all trees that are required by the City.
- (ii) Any existing tree, tree designated for preservation, or planted tree shall be maintained for a period of five years following issuance of the certificate of occupancy or plat recording for the individual lot or development. A maintenance guarantee pursuant to WMC 15.42 or 20.06 shall be secured to ensure the maintenance.
- (c) Maintenance of Preserved Grove. Any applicant who has a grove of trees identified for preservation on an approved tree plan pursuant to WMC 21.15.060 shall provide prior to occupancy or plat recording the legal instrument acceptable to the City to ensure preservation of the grove and associated vegetation in perpetuity, except that the agreement may be extinguished if the City Tree Official determines that preservation is no longer appropriate.
- (d) Non-Native Invasive and Noxious Plants. It is the responsibility of the property owner to remove non-native invasive plants and noxious plants from the vicinity of any tree or other vegetation that the City has required to be planted or retained. Removal must be performed in a manner that will not harm the tree or other vegetation that the City has required to be planted or protected.

- (e) Pesticides, Herbicides, and Fertilizer. The use of pesticides, herbicides or fertilizer shall be by special approval of the City Tree Official only.
- (2) Tree Plans and Utility Plans. Tree plans and utility plans shall be coordinated. In general, the placement of trees should adjust to the location of required utility routes both above and below ground. Location of trees shall be based on the plant's mature size both above and below ground. See the Woodinville Plant Species List for additional standards.
- (3) Tree Pruning. Topping or pruning to the extent that would constitute tree removal as defined in WMC 21.06 is not allowed. If a required tree smaller than six inches in diameter-at-breast-height is topped, it must be replaced pursuant to the standards in WMC 21.15.120. If a tree six inches or larger in diameter-at-breast-height is topped, the property owner may be subject to enforcement actions pursuant to WMC 21.15.120. Trees may be windowed or limbed up using best management practices. This method of tree pruning shall maintain the health of the tree.

21.15.110 Prohibited Vegetation

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

21.15.120 Enforcement and Penalties

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

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

- (2) General Requirements.
 - (a) Enforcement shall be conducted in accordance with procedures set forth in WMC 1.06. Special enforcement provisions related to tree conservation are set forth below. To the extent there is a conflict between the provisions of this section and WMC 1.06, this section shall control.
 - (b) Voluntary compliance is the preferred method of enforcement. The following remedies should only be pursued when a violator is not voluntarily complying with the restoration requirements or other requirements are stipulated by the Code Enforcement Officer or City Tree Official.
- (3) Authority. It shall be the duty of the City Tree Official, or designee, to administer the provisions of this chapter. The City Tree Official shall have authority to enforce and carry out the provisions of this chapter.
- (4) Cease and Desist. The City Tree Official, or designee, may issue a notice to cease and desist using the procedure set forth in WMC if the City Tree Official finds that a violation

of this code has occurred. Continued illegal tree activity following issuance of a cease and desist from the City for the tree activity shall result in fines of \$1,000 per day of continued activity.

- (5) Stop Work Order. If a violation of this chapter or an approved tree plan occurs on property on which work is taking place pursuant to a City of Woodinville development or building permit, the City Tree Official, or designee, may suspend some or all of the work as appropriate through issuance of a stop work order. The City Tree Official, or designee, shall remove the stop work order when the City Tree Official determines that the violation has been corrected or when the City Tree Official has reached an agreement with the violator regarding rectification of the violation. Any stop work order issued under this section may be appealed using the procedures set forth in WMC 2.30.
- (6) Civil Citation and Penalty. The City's Code Enforcement Officer shall notify a person who violates this chapter by issuance of a civil citation, pursuant to the procedures in WMC 1.06.060. The civil citation shall contain the following in addition to that required in WMC 1.06.060:
 - (a) A statement of the restoration action required to be taken to correct the violation as determined by the City Tree Official;
 - (b) A statement that the person to whom the civil citation is issued must correct the violation through restoration described in subsection (8) of this section and may pay the civil penalty or may appeal the civil citation as provided in this section.
- (7) Civil Penalty.
 - (a) A person who fails to comply with the requirements of this chapter or the terms of a permit issued hereunder, who undertakes an activity regulated by this chapter without obtaining a permit, or fails to comply with a cease and desist or stop work order issued under this chapter shall also be subject to a civil penalty as set forth in Table 4. Each unlawfully removed or damaged tree shall constitute a separate violation.
 - (b) Any person who aids or abets in the violation shall be considered to have committed a violation for purposes of the civil penalty.
 - (c) The amount of the penalty shall be assessed in accordance with Table 4. The City Tree Official may elect not to seek penalties if he or she determines that the circumstances do not warrant imposition of civil penalties in addition to restoration.
 - (d) Table 4 – Penalties.

<u>Types of Violations</u>	<u>Allowable Fines per Violation</u>
<u>1. Removal of tree(s) approved to be removed, but prior to final tree plan approval or issuance of a City tree removal permit</u>	<u>\$1,000 per tree</u>
<u>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</u>	<u>\$1,000 per tree</u>
<u>3. Removal of tree(s) without applying for or obtaining a required City permit</u>	<u>\$1,000 per tree</u>

- (8) Tree Restoration.
 - (a) Violators of this chapter or of a permit issued there under shall be responsible for restoring unlawfully damaged areas in conformance with a plan, approved by the City Tree Official, which provides for repair of any environmental and property damage, and restoration of the site; and which results in a site condition that, to the

greatest extent practical, equals the site condition that would have existed in the absence of the violation(s). In cases where the violator intentionally or knowingly violated this chapter or has committed previous violations of this chapter, restoration costs, at the discretion of the City Tree Official, may be based on the City-appraised tree value of the subject trees in which the violation occurred, utilizing the industry standard trunk formula method in the current edition of "Guide for Plant Appraisal". If diameter of removed tree is unknown, determination of the diameter size shall be made by the City Tree Official by comparing size of stump and species to similar trees in similar growing conditions. The amount of costs above the approved restoration plan will be paid into the City Tree Fund.

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

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

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

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

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

(9) Failure to Restore or Pay Fines.

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

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

(10) Appeal to Hearing Examiner.

- (a) A person to whom a civil citation or order imposing fines is directed may appeal the civil citation, including the determination that a violation exists and/or the amount of any monetary penalty imposed, to the Hearing Examiner.
 - (b) A person may appeal the civil citation or order imposing fines by filing an appeal with the Development Services Department within 14 calendar days of the date of service of the civil citation or order imposing fines.
 - (c) Fines that accrue on a daily basis shall continue to accrue while an appeal is pending and shall not be reduced unless the Hearing Examiner determines that the alleged violation did not occur or makes written findings of fact supporting good cause for making a reduction in the accrued fines pending a decision on the appeal.
 - (d) If both a civil citation and an order to cease and desist have been issued in the same case, and both the civil citation and the order to cease and desist have been appealed, the appeals shall be consolidated for hearing.
 - (e) The Development Services Department shall give notice of the hearing to the appellants at least 15 calendar days prior to the hearing, pursuant to WMC 17.17.040.
 - (f) The Hearing Examiner shall conduct a hearing on the appeal pursuant to the rules of procedure provided for in the Administrative Procedures Act (Chapter 34.05 RCW), the Woodinville Municipal Code, and in accordance with any rules for hearings promulgated by the Hearing Examiner. The City and the appellant may participate as parties in the hearing and each may call witnesses. The City shall have the burden of proof by a preponderance of the evidence that a violation has occurred.
- (11) Hearing Examiner Decision.
- (a) The Hearing Examiner shall determine whether the City has proven by a preponderance of the evidence that a violation has occurred and shall affirm, vacate, suspend, or modify the amount of any monetary penalty imposed by the civil citation, with or without written conditions, consistent with this chapter and the determination of whether or not a violation has occurred.
 - (b) In the event that the Hearing Examiner determines that a violation has occurred, the Hearing Examiner shall also consider the following in making a decision: (1) whether the appeal is frivolous or intended to delay compliance; (2) whether the appellant exercised reasonable and timely effort to comply with applicable development regulations; and (3) any other relevant factors.
 - (c) The Development Services Department shall mail a copy of the Hearing Examiner decision to the appellant, by certified mail, postage prepaid, return receipt requested.
 - (d) The decision of the Hearing Examiner may be reviewed in County Superior Court using the standards set forth in RCW 36.70C.130. The land use petition must be filed within 21 calendar days of the issuance of the final land use decision by the Hearing Examiner.

WMC 21.46.030 Criteria for Zoning Code Amendments

Pursuant to the City of Woodinville Municipal Code (WMC) Chapter 17, amendments to the Zoning Code must be recommended by the Planning Commission to the City Council for adoption. The amendments must meet the criteria, as follows:

1. The amendment is consistent with the purposes of the Comprehensive Plan.
 - a. The proposed Amendments provide consistency with the Growth Management Act and amend the zoning code to further implement the Comprehensive Plan.
 - b. The proposed tree protection amendments will further several goals of the comprehensive plan, by providing regulations that aim to maintain, enhance and expand the existing tree canopy coverage of the City of Woodinville.
 - c. The Northwest woodland character is an important component to the Woodinville Comprehensive Plan. The proposed amendments will further the goals and policies related to Northwest woodland character by encouraging the retention of existing trees, and requiring additional trees on those site that do not meet the tree density requirements.
 - d. The City will have an opportunity to further educate citizens, students, and businesses on the benefits of trees and their value in Woodinville.
 - e. The purpose of the Comprehensive Plan is furthered by the proposed amendments through the requirements for:
 - i. Tree canopy coverage goals.
 - ii. Tree health information by a qualified professional based on specific criteria.
 - iii. Standardized, consistent permitting.
 - iv. Alternative compliance methods, including off-site plantings, payment into a City tree fund, and/or alternative building methods.
 - f. The following Comprehensive Plan goals and policies support the adoption of these amendments:
 - i. LU-1: To guide the City's population growth in a manner that maintains or improves Woodinville's quality of life, environmental attributes, and Northwest woodland character.
 - ii. LU-1.1: Preserve the character of existing neighborhoods in Woodinville while accommodating the state's 20-year growth forecasts for Woodinville.
 - iii. LU-3.2: Preserve the existing natural environment of Woodinville's neighborhoods.
 - iv. ED-2.2: Protect the beauty of the natural environment to maintain a community where residents want to live and work.
 - v. CD-1: To promote an image of a visually cohesive community to residents and visitors.
 - vi. CD-2: To maintain the Northwest woodland character and heritage of Woodinville.
 - vii. CD-2.5: Require development to retain existing significant vegetation, where feasible, through regulations in the Woodinville Municipal Code.
 - viii. CD-2.10: Provide opportunities for public education on the value of trees, including their environmental, aesthetic and visual qualities and benefits.
 - ix. ENV-6: To promote the preservation of Northwest woodland character.
 - g. The City adopted the Community Urban Forestry Plan in 1998. While the entire plan supports the adoption of the proposed amendments, the following goals and policies are especially important when looking at changes to tree-related regulations:

- i. CUF-1.3: Establish tree and plant retention regulations for development that are flexible and provide options while ensuring the preservation and enhancement of the community urban forest.
- ii. CUF-2: To work towards no net loss of the overall community urban forest cover; in the long term, measureable gain.
- iii. CUF-2.1: Maintain the existing canopy cover and work towards an attainable canopy cover increase.
- iv. CUF-5: To encourage tree and vegetation planting that increases environmental benefits including energy savings, noise reduction, cleaner air and water, and protection from the elements.
- v. CUF-5.3: Require site design measures that include tree and plant retention or replacement that saves energy, serves as a noise reducing buffer, enhances cleaner air, reduced and cleans water runoff, and protects structures and people from the elements.
- vi. CUF-5.5: Provide for effective coordination and compliance of land clearing and development with other applicable City development standards including, but not limited to, building, zoning, subdivision, sensitive area, grading, landscaping, tree preservation, stormwater, erosion control and street design.
- vii. CUF-7: To achieve a sustainable community urban forest through diversity of species and ages to safeguard the forest's overall health and to enhance scenic beauty.
- viii. CUF-7.1: In all incentives and regulations, strongly favor preservation over replanting.
- ix. CUF-7.2: Require tree and plant minimum replacement standards that over time will provide an equal or greater value to the community urban forest.
- x. CUF-7.4: Encourage and require tree and plant species diversity by promoting the "Required Tree Species List" and an approved "Landscape Plant List".
- xi. CUF-10.2: Require tree and plant retention in all new residential development.
- xii. CUF-13.2: Require planting of trees and plants near all new commercial and industrial buildings and associated paved areas.
- xiii. CUF-14: To select appropriate trees and plants for retention and planting at the time of development, including native species.
- xiv. CUF-14.3: Require developers to enlist the services of an appropriate qualified professional, i.e. certified arborist, landscape designer or landscape architect during site design, during site work, tree and plant retention and installation to ensure proper methods are used for projects other than an individual single family residence.
- xv. CUF-14.4: Develop tree and other vegetation planting standards that include proper site preparation methods and appropriate bonding provisions for required landscaping.
- xvi. CUF-16: To preserve and enhance a distinctive tree canopy on the valley walls of the City.

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

- a. The amendments are consistent with the general purposes of the Zoning Code. The amendments will add code language and modify definitions that will result in better land use decisions and more effective application of development regulations.
- b. Through creation of the Tree Board, participation in the Tree City USA program, adoption of the Community Urban Forestry Plan, participation in Arbor Day events,

- c. restoration of the Sammamish River, the community has stated that Woodinville has a public interest in the protection, enhancement and maintenance of our trees.
 - d. The public health, safety and welfare is served by the proposed amendments by providing incentives for the retention of existing trees, provisions for hazardous or nuisance trees, alternative compliance methods, and standardized, consistent permitting.
 - e. The benefits of trees, which are spelled out under criteria 3, provide economic, social and aesthetic advantages to the City. The development standards will provide one tool to achieve the City's tree canopy goals. The proposed amendments will be the property owners, and developer's portion of providing for tree canopy coverage in the City of Woodinville. Along with other City programs, all citizens, visitors and business owners will benefit from the proposed regulations.
3. The benefit or avoided cost to the public health, safety and welfare is sufficient to warrant the action.
- a. The proposed amendments are expected to have positive impacts on public health, safety, and welfare.
 - b. The proposed amendments are an implementing tool of the Community Urban Forestry Plan, and are one instrument to achieving the goals and policies within this plan.
 - c. The purpose of the proposed amendments, in WMC 21.15.010, includes the following, which will further the public health, safety and welfare:
 - i. The many benefits of healthy trees and vegetation contribute to Woodinville's quality of life by:
 - a. Minimizing the adverse impacts of land disturbing activities and impervious surfaces such as runoff, soil erosion, land instability, sedimentation and pollution of waterways, thus reducing the public and private costs for stormwater control/treatment and utility maintenance;
 - b. Improving the air quality by absorbing air pollutants, assimilating carbon dioxide and generating oxygen;
 - c. Providing cost-effective protection from severe weather conditions with cooling effects in the summer months and insulating effects in winter;
 - d. Providing visual relief and screening buffers;
 - e. Providing recreational benefits;
 - f. Providing habitat, cover, food supply, and corridors for a diversity of fish and wildlife; and
 - g. Providing economic benefit by enhancing local property values and contributing to the region's natural beauty, aesthetic character, and livability of the community.
 - d. The intent of the of the proposed amendments, will further the public health, safety and welfare by including provisions that will:
 - ii. Maintain and enhance canopy coverage provided by native trees for their benefits;
 - iii. Preserve and enhance the City of Woodinville's environmental, economic, and community character with mature landscapes;
 - iv. Promote site planning, building, and development practices that work to avoid removal or destruction of native trees, groves of trees, and the understory of trees and that avoid unnecessary disturbance to the City's natural vegetation;
 - v. Mitigate the consequences of required tree removal in land development through on- and off-site native tree replacement with the goals of halting loss and

- vi. enhancing Woodinville's tree canopy to achieve an overall healthy tree canopy cover of 40 percent city-wide over time;
 - vii. Encourage tree retention efforts by allowing flexibility with respect to certain other development requirements;
 - viii. Implement the goals and objectives of the City's Comprehensive Plan;
 - ix. Implement the goals and objectives of the State Environmental Policy Act (SEPA).
- e. The City of Woodinville is a Tree City USA, and is committed to increasing recognition and education on the benefits and importance of the City's tree canopy