



PLANNING COMMISSION MEETING AGENDA
Tuesday, December 12, 2017, 7:00 PM
City Hall, 616 NE 4th Avenue

Special Meeting

I. CALL TO ORDER

II. ROLL CALL

III. MINUTES

- A. Approval of the Minutes from the October 17, 2017 Planning Commission Meeting

 [October 17, 2017 Planning Commission Minutes](#)

IV. MEETING ITEMS

- A. Public Hearing to Consider a Minor Amendment to Camas Municipal Code (CMC)
Title 16 Environment

Details: The minor update will consist of one update to Chapter 16.57 Frequently Flooded Areas for compliance with the National Flood Insurance Program (NFIP), which allows citizens within the community to obtain flood insurance and other types of federal disaster aid. A staff report summarizes the proposed amendment. Attachment 1 is the redlined version of the draft amendment that illustrates the proposed change. Attachment 2 is a clean version of the proposed amendment.

Presenter: Lauren Hollenbeck, Senior Planner

Recommended Action: Staff recommends that Planning Commission conduct a public hearing, deliberate and make a motion to recommend approval of the proposed amendment.

 [Minor Amendment to Title 16 Staff Report \(MC17-03\)](#)

[Attachment 1 Redline Version of Amendment](#)

[Attachment 2 Clean Version of Amendment](#)

B. Workshop on Urban Tree Program

Details: The City was awarded a grant from the State of Washington Department of Natural Resources (DNR) to develop an Urban Tree Program. The grant period runs until May 31, 2018, and is a 50 percent cost share with the City. The work plan to develop the Urban Tree Program included: current zoning diagnosis; a review of the comprehensive plan to ensure the new codes will be consistent; drafting a tree ordinance; updating the Design Standards Manual (street tree species); and creating outreach materials that will increase the public's knowledge of tree care and the new ordinance. Staff provided an overview of the project to the Commission on October 17th and to City Council on December 4th. At the workshop, staff will lead a discussion of options for preserving trees during the development of properties. Davey Resource Group prepared a report, titled "Case Studies: Tree Preservation During Development" with attachments. Also, staff included an initial draft of amendments to the chapters of the city's code that relate to tree preservation during development. Presenter: Sarah Fox, Senior Planner
Recommended Action: Staff requests direction from the Planning Commission regarding the proposed amendments.

 [Note to Commission with Draft Amendments for Urban Tree Program \(MC17-01\)](#)

[Report: Tree Preservation During Development](#)

[Attachment A - City of Newcastle](#)

[Attachment B - City of Olympia](#)

[Attachment C - How to Calculate Tree Density in Olympia](#)

[Attachment D - City of Lacey](#)

V. MISCELLANEOUS UPDATES

A. Miscellaneous Updates

VI. NEXT MEETING DATE

The next Planning Commission Meeting is scheduled for Wednesday, January 17, 2018 at 7:00 p.m., in the City Council Chambers.

VII. ADJOURNMENT

NOTE: The City of Camas welcomes and encourages the participation of all of its citizens in the public meeting process. A special effort will be made to ensure that persons with special needs have opportunities to participate. For more information, please call the City Clerk's Office at 360.817.1574.



PLANNING COMMISSION MEETING MINUTES - DRAFT

Tuesday, October 17, 2017, 7:00 PM

City Hall, 616 NE 4th Avenue

I. CALL TO ORDER

Chair Beel called the meeting to order at 7:01 p.m.

II. ROLL CALL

Present: Bryan Beel, Frank Hood, Troy Hull, Jim Short, Lloyd Goodlett and Timothy Hein

Excused: Jaima Johnson

Staff Present: Jan Coppola, Cliff Coulter, Sarah Fox, Robert Maul, Alicia Pacheco and David Schultz

Consultant with Davey Resource Group: Ian Scott

Urban Tree Program Ad Hoc Committee Members: Bonnie Carter, Council Liaison; Hunter Decker, Clark County Parks; Cassi Marshall, Parks and Recreation Commission; and Lynn Johnson, Johnson Dairy

III. MINUTES

- A. Approval of the Minutes from the July 18, 2017 Planning Commission Meeting

 [July 18, 2017 Planning Commission Minutes](#)

It was moved by Commissioner Hein, seconded by Commissioner Hull to approve the minutes from the July 18, 2017 Planning Commission Meeting. The motion carried unanimously by roll call vote.


IV. MEETING ITEMS

- A. Status of the Urban Tree Program

Details: The City was awarded a grant from the State of Washington Department of Natural Resources to develop an Urban Tree Program (Agreement No. IAA 16-338). The grant period runs until May 31, 2018, and is a 50 percent cost share with the City. An initial work plan to develop the Urban Tree Program included: current zoning diagnosis; review of comprehensive plan to ensure the new codes will be consistent; drafting a tree ordinance, including graphics; updating the Design Standards Manual (street tree species); and creating outreach materials that will increase the public's knowledge of tree care and the new ordinance. In support of this project, the City recruited a diverse group of citizens to participate on an ad hoc committee and

contracted with Davey Resource Group. Along with reviewing current codes and the vision within Camas 2035, Davey Resource Group and Staff interviewed key urban forest stakeholders. The feedback from these interviews was used to develop a community survey to better understand public awareness and opinions about trees in Camas. Over 250 community members provided feedback through an online survey that was available March 30 through May 12, 2017. The online survey collected qualitative information about public perception of tree protection, tree species preferences, and about the concept of street tree removal permitting. The ad hoc committee and staff committees have met several times over the past year to review draft code amendments as initially presented by Davey Resource Group. Staff will provide an overview of the status of the project, and then will moderate a discussion between the Commission and members of the Urban Tree Program Ad Hoc Committee.

Presenters: Sarah Fox, Senior Planner and Ian Scott, Davey Resource Group

 [Status of the Proposed Urban Tree Program](#)
[Tree Program Status Presentation given by Staff](#)

Sarah Fox introduced Consultant, Ian Scott and the members of the Urban Tree Ad Hoc Committee. She reviewed a PowerPoint Presentation and engaged the Commissioners in a lengthy discussion. The Commissioners stressed the importance of public outreach and communication.

V. MISCELLANEOUS UPDATES

A. Miscellaneous Updates

Robert Maul provided an update to the Commissioners on current development proposals.

VI. NEXT MEETING DATE

The next meeting of the Planning Commission will be held on Tuesday, November 21, 2017 in the City Council Chambers at 7:00 p.m.

VII. ADJOURNMENT

Chair Beel adjourned the public meeting at 8:25 p.m.

NOTE: The City of Camas welcomes and encourages the participation of all of its citizens in the public meeting process. A special effort will be made to ensure that persons with special needs have opportunities to participate. For more information, please call the City Clerk's Office at 360.817.1574.



STAFF REPORT

MINOR AMENDMENT TO TITLE 16 ENVIRONMENT

CAMAS MUNICIPAL CODE (CMC)

File# MC17-03

To: Bryan Beel, Chair
Planning Commission

FROM: Lauren Hollenbeck, Senior Planner

DATE: December 5, 2017

Summary

To maintain participation in the National Flood Insurance Program (NFIP), the City must adopt a compliant floodplain ordinance before the effective date of the new Flood Insurance Rate Map (FIRM), which is January 19, 2018. This ordinance must meet the current state and NFIP standards in order for citizens within the community to obtain flood insurance and certain types of federal disaster aid.

FEMA identified one amendment to CMC Chapter 16.57 *Frequently Flooded Areas* for NFIP compliance per Code of Federal Regulation 44 CFR 60.3(a)(2). The required CMC amendment is provided with two attachments: Attachment 1 shows the draft change as a strike-through text. Attachment 2 provides the amendment without any mark-ups.

The following is a brief description of the required amendment:

16.57.050 Performance Standards- General requirements

The required amendment to this chapter includes adding language to CMC 16.57.050.A that all non-flood permits from local, state, and federal agencies for which approval is required has been obtained. This requirement will be a condition of the development permit.

Recommendation

Staff recommends that Planning Commission conduct a public hearing, accept testimony, deliberate, and make a motion to forward the one amendment to Title 16 to City Council for adoption.

DRAFT AMENDMENT TO TITLE 16 – ENVIRONMENT

Chapter 16.57 – FREQUENTLY FLOODED AREAS

Note to reader: The following proposed amendment is shown as underlined. The full content of each chapter is not included, which means that if changes are not shown in this document then they are not intended.

16.57.050 - Performance standards—General requirements.

All Elevation Certificates (FEMA Form 81-31), Floodproofing Certificates for non-residential structures (FEMA Form 81-65), documents, and records pertaining to the provisions of this ordinance shall be maintained by the City for public inspection.

- A. All Necessary Permits Shall be Obtained. Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local government agencies from which prior approval is required. A development permit shall be obtained before construction or development begins within any frequently flooded area established in Section 16.57.010. The permit shall be for all structures, including manufactured homes, as set forth in the "Definitions," and for all development, including fill and other activities, also as set forth in the "Definitions."
- B. Area of Special Flood Hazards with Base Flood Elevation. When the base flood elevation is provided, but a regulatory floodway has not been designated, new construction, substantial improvements, or other development, including fill, shall not be permitted within frequently flooded areas, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one inch at any point within the City limits.
- C. Areas Without Base Flood Elevation Data. Where base flood elevation data is not available (Zone A), and there is insufficient data then a report shall be submitted by a qualified professional that includes analysis of historical data and field surveys. The reports shall include reasonable mapping to ensure proposed buildings are safe from flooding and to demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one inch at any point within the City limits.
- D. Construction Materials and Methods.
 1. Methods that Minimize Flood Damage. All new construction and substantial improvements shall be constructed using flood resistant materials and utility equipment, and with methods and practices that minimize flood damage.
 2. Buildings shall be located outside the floodplain. For sites with no buildable area out of the floodplain, buildings may be allowed provided they are placed on the highest land on the site, oriented parallel to flow rather than perpendicular, and sited as far from the watercourse and other critical areas as possible. If the City detects any evidence of active hyporheic exchange on a site, the development shall be located to minimize disruption of such exchange.
 3. Utilities Shall be Protected. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- E. Elevation Certificate Required Following Construction. Following construction of a building within the floodplain where the base flood elevation is provided, the applicant shall obtain a "finished

construction" elevation certificate (FEMA Form 81-31, most current edition) from a registered professional engineer or architect that records the elevation of the lowest floor.

- F. Floodproofing (Non-Residential Only).
1. When a building is to be floodproofed, it shall be designed and constructed using methods that meet the following requirements:
 - a. Watertight Building. The building shall be watertight with walls substantially impermeable to the passage of water below one foot above the base flood level;
 - b. Hydrostatic and Hydrodynamic Resistance. Structural components shall be capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - c. Certified by a Registered Professional Engineer or Architect. The building shall be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications, and plans.
 2. Floodproofing Certificate Required Following Construction. Following construction of the building, the applicant shall obtain a floodproofing certificate (FEMA Form 81-65, most current edition) from a registered professional engineer or architect that records the actual (as-built) elevation to which the building was floodproofed.
- G. Anchoring. All new construction and substantial improvements within the floodplain shall be anchored to prevent flotation, collapse, or lateral movement of the building. All manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frames tied to ground anchors.
- H. Fill and Grading. Fill and grading within the floodplain shall only occur upon a determination from a registered professional engineer that the fill or grading will not block side channels, inhibit channel migration, increase flood hazards to others, or be placed within a channel migration zone, whether or not the City has delineated such zones as of the time of the application. If fill or grading is located in a floodway, CMC Section 16.57.020 applies.

DRAFT AMENDMENT TO TITLE 16 – ENVIRONMENT

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DRAFT URBAN TREE PROGRAM

PROPOSED REPEAL OF CAMAS MUNICIPAL CODE CHAPTER 18.31 SENSITIVE AREAS AND OPEN SPACE, AND ASSOCIATED AMENDMENTS TO CAMAS MUNICIPAL CODE CHAPTERS 18.09, 18.31, 17.09, 17.11, 17.15, 17.19 (VERSION 12/05/17)

NOTE TO THE COMMISSION:

The previous workshop on October 17th focused on trees within public rights-of-way, public parks and open spaces. This workshop will focus on trees that are generally on undeveloped private parcels. Combined these two workshops comprise the entirety of the scope of the Urban Tree Program.

This document includes a proposal to repeal almost all of **CMC Chapter 18.31 Sensitive Areas and Open Space**, specifically those regulations that are duplicative of **Title 16 Environment**. There is a long history as to the origin of this chapter, and its subsequent revisions, which staff will expand upon at the workshop.

There are a few subsections of Chapter 18.31 that staff recommended be retained and moved to other chapters, primarily within the city’s landscaping chapter, **Chapter 18.13**. The focus of the workshop is to discuss how to amend **Section 18.31.050 – Tree Retention**, which provides the city the authority to preserve trees during development, particularly significant trees that are not otherwise protected within critical areas. In this draft, the “Tree Retention” section is relocated to Section 18.13.045, merely as a placeholder. The following is a list of the sections of code that would need to be amended if Chapter 18.31 were to be repealed:

17.09.030 - Preliminary short plat approval.	7
17.11.030 - Preliminary subdivision plat approval.	7
17.15.030 - Preliminary binding site plan (BSP) approval.	7
17.19.030 - Tract, block and lot standards.	7
18.09.060 - Density transfers.	7
18.13.020 - Scope.	8
18.13.040 – Landscape, Tree and Vegetation Plans.	8
18.13.045 - Tree Retention.	9
18.13.050 - Landscaping standards.	9
18.13.060 - Parking areas.	11

CHAPTER 18.31—SENSITIVE AREAS AND OPEN SPACE¹⁹¹

18.31.010—PURPOSE.

~~The guidelines, criteria, standards, special studies, and open space requirements in this chapter are intended to identify, protect, and preserve lands and areas within the city which are characterized by the presence of environmentally sensitive or valuable features and resources. These areas may include: steep slopes and areas of unstable soils, wetlands, streams, and watercourses. Certain activities, such as vegetation removal and the addition of impervious surfaces within these areas, unless regulated by the city, pose a potential threat to life, property, public health, and welfare. Unregulated activities also pose a significant threat to important environmental features and communities, and to the functions and values they perform. This chapter is also intended to implement the goals and policies of the comprehensive plan; to protect critical areas within the city as required by state policies, guidelines, and rules; to provide property owners and members of the public with notice as to the location and distribution of sensitive areas within the city; and to require special studies to help identify environmentally sensitive and valuable areas within the city. Such plans and studies shall be prepared by qualified professionals.~~

~~(Ord. 2515 § 1 (Exh. A (part)), 2008)~~

18.31.020—SCOPE.

~~Land proposals below are subject to the criteria, guidelines, conditions, performance standards, and procedural requirements contained in this chapter:~~

- ~~A. Rezone;~~
- ~~B. Conditional use permit;~~
- ~~C. Variance;~~
- ~~D. Shoreline substantial development permit;~~
- ~~E. Planned development;~~
- ~~F. Subdivision;~~
- ~~G. Short subdivision;~~
- ~~H. Commercial development;~~
- ~~I. Business park development;~~
- ~~J. Any grading, filling, or clearing of land, or logging or removal of timber on land characterized by, or adjacent to (within three hundred feet of) an environmentally sensitive area; or~~
- ~~K. Open space designation standards and requirements shall apply to any application proposals involving a subdivision or planned development.~~
- ~~L. The standards and requirements of this chapter shall apply in addition to any other regulations of the city applicable to the underlying zone. In case of any conflict between these and any other regulation(s), the stricter regulation(s) shall apply.~~

~~(Ord. 2515 § 1 (Exh. A (part)), 2008)~~

~~18.31.030 – ADMINISTRATION.~~

~~The community development director shall determine, based on the city's sensitive area overlay maps, environmental information provided by the applicant, and field reconnaissance as necessary, whether a property for which development approval is requested contains the types of lands or areas subject to this chapter. If property for which development approval is requested does contain critical areas, as defined per CMC Section 16.51.070 Critical Areas Regulated, then a development application must be accompanied by relevant information pursuant to Title 16 Environment. The community development director may waive or modify the study and reporting requirements of this section if it is determined that the subject property does not contain such lands or areas.~~

~~(Ord. 2515 § 1 (Exh. A (part)), 2008)~~

~~(Ord. No. 2691, § I(Exh. A), 1-21-2014)~~

~~18.31.080 – TREE RETENTION.~~

~~A. A tree survey, conducted by a qualified biologist, landscape architect, or arborist, shall be conducted for all lands proposed to be developed and listed under Section 18.31.020. A survey shall not be required for lands proposed to be retained as undeveloped open space.~~

~~B. To the extent practical, existing healthy significant trees shall be retained. Preservation of groups of significant trees, rather than individual trees shall be preferred. All grading shall take place outside the drip line of those significant trees to be retained, except that the city engineer may approve grading within the drip line if it can be demonstrated that such grading can occur without damaging the tree or trees.~~

~~(Ord. 2515 § 1 (Exh. A (part)), 2008) (Ord. No. 2612, § I(Exh. A), 2-7-2011)~~

~~18.31.090 – VEGETATION REMOVAL.~~

~~A. Exceptions. This section shall not apply to:~~

- ~~1. Removal of vegetation outside of critical areas, in conservation areas, protected open space areas as shown on plats, or areas otherwise required to be protected;~~
- ~~2. Removal of trees four inches or less in diameter, as measured at the base;~~
- ~~3. Annual removal of vegetation from an area under one thousand square feet;~~
- ~~4. Removal of dead, diseased, or dying vegetation and trees;~~
- ~~5. Normal maintenance associated with residential properties, including mowing, rototilling, and pruning;~~
- ~~6. Removal of nonnative invasive plant species, such as Himalayan blackberries and ivy;~~
- ~~7. Removal of vegetation associated with land surveys and environmental surveys;~~
- ~~8. Removal of vegetation related to the construction, installation, and maintenance of public utilities.~~

Commented [SF1]: The substance of these two sections will be captured and moved to Chapter 18.13 Landscaping.

~~B. Vegetation Removal Permit Required. All persons seeking to remove vegetation from a critical area shall first obtain a permit from the city. An application for such permit shall be filed with the planning department and shall contain information relating to the proposed removal of vegetation, including but not limited to the location and species of plants and vegetation proposed to be removed, the contours of the subject property, soils information, the proposed schedule of removal, and any other information required by the city.~~

~~C. Preliminary Review.~~

- ~~1. Upon receipt of an application for a vegetation removal permit, the community development director or designee shall conduct a preliminary review. If the community development director finds that the proposed vegetation removal is exempt, or will have no adverse environmental impact, then the community development director shall issue a letter stating that the provisions of this section do not apply and that no permit is required.~~
- ~~2. If the community development director finds that the proposed vegetation removal is not exempt, and there is potential for an adverse environmental impact, then a vegetation removal permit shall be required. Any uncertainty regarding the degree of environmental impact shall be resolved in favor of finding an adverse impact.~~

~~D. Vegetation Management Plan as Part of Vegetation Removal Permit.~~

- ~~1. Not Required. For those applications that the community development director determines a permit is necessary, the community development director shall make a further determination of whether a vegetation management plan shall be required. If the proposed vegetation removal is minor in nature, and if, in the opinion of the community development director, adverse environmental impacts can be mitigated without requiring a vegetation management plan, then the community development director may issue a permit with mitigating conditions as may be appropriate.~~
- ~~2. Required. For those applications that the community development director determines a permit is necessary, and which are determined not to be minor in nature, a vegetation management plan shall be required prior to issuance of the permit.~~

~~E. Vegetation Management Plan Standards. Vegetation management plans shall meet the following standards:~~

- ~~1. Vegetation management plans shall be prepared by a qualified arborist or biologist;~~
- ~~2. If the proposed vegetation removal impacts a steep slope or area with potentially unstable soils, the vegetation management plan shall contain a certification by a qualified geotechnical engineer that the removal of vegetation in accordance with the vegetation management plan will not cause erosion or increase the likelihood of a landslide;~~
- ~~3. Where possible, proposed vegetation removal activities adjacent to environmentally sensitive areas should be configured in a manner which avoids impacts;~~
- ~~4. Where possible, limbing, pruning, or thinning should be utilized in lieu of removal of vegetation;~~
- ~~5. Vegetation removal should normally be mitigated through vegetation enhancement in the form of additional plantings;~~
- ~~6. Vegetation management should be done in the manner that takes into consideration stormwater runoff, slope stability, view enhancement, and wildlife habitat;~~

- 7. ~~The schedule for removal and planting should be done in such a manner as to optimize the survival of the modified vegetation and new plantings;~~
 - 8. ~~Monitoring of vegetation survival may be required, and should normally include reports and photographs to the community development director or designee;~~
 - 9. ~~Vegetation removal for purposes of view enhancement shall be limited to view corridors, as opposed to removal of vegetation over a larger area;~~
 - 10. ~~Vegetation management plans shall bear the certification of the qualified arborist and any other registered professional involved in its preparation or implementation;~~
 - 11. ~~Vegetation management plans should contain a provision requiring thirty days' written notice to the city prior to any removal or replanting of vegetation.~~
- F. ~~Bonding. A bond may be required to insure proper maintenance, replacement, or repair of areas altered under a vegetation removal permit. The bond amount shall be not less than 1.25 times the value of the plantings to be planted following removal of vegetation.~~
- G. ~~Incorporation. The provisions of an approved vegetation management plan shall be incorporated into the covenants, conditions, and restrictions of any approved development, the conditions of approval, and referenced on the plat of an approved subdivision or planned development, or conditions of any other type of development permit.~~
- H. ~~Process. Vegetation removal permits shall be processed as a Type I administrative review subject to notice pursuant to CMC Chapter 18.55 Administration and Procedures of this title.~~

~~(Ord. 2515 § 1 (Exh. A (part)), 2008) (Ord. No. 2612, § I(Exh. A), 2-7-2011; Ord. No. 2691, § I(Exh. A), 1-21-2014)~~

18.31.110 — MANDATORY PRESERVATION.

- A. ~~As a condition of development approval for any development application set forth in Section 18.31.020(A) of this chapter, the applicant shall set aside and preserve all sensitive areas, except as otherwise permitted by this chapter. To insure that such areas are adequately protected, the applicant shall cause a protective mechanism acceptable to the city to be put in place.~~
- B. ~~For property zoned single-family residential or multifamily residential, the applicant shall receive a density transfer to the remainder parcel that is equal to the density lost due to the property set aside, except that the density transfer shall not exceed thirty percent of the allowable density for the entire development if it were not encumbered with sensitive lands.~~

~~(Ord. 2515 § 1 (Exh. A (part)), 2008)~~

18.31.120 — NEGOTIATED PRESERVATION.

- A. ~~The city and a landowner may negotiate an agreement whereby property is set aside and preserved with a protective mechanism. A negotiated preservation may be done incidental to a development proposal, or may be done independently of any development proposal.~~
- B. ~~To be eligible for a negotiated preservation, the property to be set aside must be:~~

1. ~~Part of the open space network;~~
2. ~~An open space connector identified in the parks, recreation, and open space comprehensive plan;~~
3. ~~Land satisfying the open space criteria of Section 5.4 of the parks, recreation, and open space comprehensive plan; or~~
4. ~~A park site identified in the parks, recreation, and open space comprehensive plan.~~
- C. ~~The city may, as part of any negotiated preservation, provide the landowner with:~~
 1. ~~Density transfer;~~
 2. ~~A density bonus;~~
 3. ~~A credit against park and open space impact fees;~~
 4. ~~Cash from the parks and open space impact fee fund or the general fund; or~~
 5. ~~Any combination of the above.~~

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TITLE 17 LAND DEVELOPMENT

17.09.030 - PRELIMINARY SHORT PLAT APPROVAL.

(B)(5)(p) A survey of existing significant trees as required under CMC Section 18.31.080 ~~13.040~~;

17.11.030 - PRELIMINARY SUBDIVISION PLAT APPROVAL.

(B)(5) A survey of existing significant trees as required under CMC Section 18.31.080 ~~13.040~~;

17.15.030 - PRELIMINARY BINDING SITE PLAN (BSP) APPROVAL.

(B)(4) A survey of existing trees as required under CMC Section 18.31.080 ~~13.040~~;

17.19.030 - TRACT, BLOCK AND LOT STANDARDS.

(A)(2) Vegetation. In addition to meeting the requirements of CMC ~~Section 18.13.040 (B) Chapter 18.31,~~ Tree ~~Regulations~~Retention, every reasonable effort shall be made to preserve existing significant trees and vegetation, and integrate them into the land use design.

CHAPTER 18.09 - DENSITY AND DIMENSIONS

18.09.060 - DENSITY TRANSFERS.

- A. Purpose. To achieve the density goals of the comprehensive plan with respect to the urban area, while preserving environmentally sensitive lands and the livability of the single-family residential neighborhoods, while also maintaining compatibility with existing residences.
- B. Scope. This section shall apply to new development in all residential (R) zoning districts.
- C. Where a land division proposes to set aside a tract for the protection of a critical area, natural open space network, or network connector (identified in the City of Camas parks plan), or approved as a recreational area, lots proposed within the development may utilize the density transfer standards under CMC Section 18.09.040 Table-2.
- D. Where a tract under "C" above, includes one-half acre or more of contiguous acreage, the city may provide additional or negotiated flexibility in lot sizes, lot width, or depth, ~~or setback standards~~. In no case shall the maximum ~~gross~~ density of the overall site be exceeded. The city may, also provide the landowner with:

1. A credit against park and open space impact fees; or
2. Cash from the parks and open space impact fee fund or the general fund.

Commented [SF2]: These seemed to be the only provisions from 18.31.120 Negotiated Preservation that weren't already included in this Section.

CHAPTER 18.13 - LANDSCAPING

18.13.020 - SCOPE.

Landscaping standards shall apply to all new residential development (e.g. single and multifamily), commercial, industrial, governmental uses, including change of use, and parking lots with greater than four spaces, and any development that is subject to Design Review (refer to Chapter 18.19 Design Review). For conditional uses permitted in residential and multifamily districts, such as churches, schools, civic organizations, etc., the standards for landscaping will be the same as the landscaping standards in community commercial zones.

18.13.040 — PROCEDURELANDSCAPE, TREE AND VEGETATION PLANS.

- A. Detailed plans for landscaping shall be submitted with plans for building and site improvements. Included in the plans shall be type, size, and location of plants and materials.
- B. A tree survey, conducted by a landscape architect, or certified arborist, shall be conducted for all lands proposed to be developed that have existing trees. A tree survey is not required for lands proposed to be retained as undeveloped open space. Tree surveys must contain the following:
1. Inventory.
 - a. Map of the site, with tree locations numbered
 - b. Include all significant trees that will be impacted by the proposed development, which may include trees off-site if canopies overhang the subject property. Open space tracts to be set aside for conservation purposes do not need to be included in survey.
 - c. Provide the common and scientific name of inventoried trees.
 2. Assessment.
 - a. Size. Measure and provide the diameter at breast height (DBH).
 - b. Tree protection zone. (Refer to CMC 18.03.050 Environmental Definitions)
 - c. Tree health. An overall assessment of the trees structural stability and failure potential based on specific structural features (e.g. decay, conks, co-dominate trunks, abnormal lean) and rated as good, fair or poor.
 - d. Recommendation for preservation or removal. The recommendation will consider proposed grading, trenching, paving, fencing and other construction plans.
 - e. If hazardous, then an evaluation of hazardous trees will include a numerical value of hazard based on the following: failure potential; size of part most likely to fail; and distance to target (e.g. new residence).
- C. Vegetation Management Plan. For those lands that are proposed to be set aside as undeveloped open space tracts, a vegetation management plan is required to be submitted with preliminary plans. The following must be included with a vegetation management plan:
1. Vegetation management plans must be prepared by a biologist, and shall be processed as a Type I permit administrative review or consolidated with the underlying land use permit application.
 2. Maintenance. A seasonal maintenance plan for optimal tree care (e.g. pruning for health of tree not for view enhancement) and to control the spread of invasive species (must be included in the plan).
 3. The schedule for tree removal and planting should be done in such a manner as to optimize the survival of the modified vegetation and new plantings;
 4. Where possible, proposed vegetation removal activities adjacent to environmentally sensitive areas should be configured in a manner which avoids impacts;
 5. Where possible, pruning should be utilized in lieu of removal of vegetation;

Commented [SF3]: This section was moved in most part from Chapter 18.31. It is currently at Section 18.31.090 (D through H) Vegetation Management Plans. The underlined portions indicate the text that differs from the current version.

6. Vegetation removal should normally be mitigated through vegetation enhancement in the form of additional plantings.
7. Vegetation management should be done in the manner that takes into consideration stormwater runoff, slope stability, and wildlife habitat.
8. Vegetation removal for purposes of view enhancement shall be limited to narrow view corridors (maximum 10% of lot width), which is accomplished by selective pruning (not topping of trees).
9. Monitoring and corrective measures. Monitoring of vegetation survival is required, and should normally include annual reports and photographs to the community development director or designee.
10. Notice. Vegetation management plans must contain a provision requiring thirty days' written notice to the city prior to any removal or replanting of vegetation.
11. Bonding. A bond may be required to insure proper maintenance, replacement, or repair of areas altered under a vegetation removal permit. The bond amount shall be not less than 1.25 times the value of the plantings to be planted following removal of vegetation.
12. The provisions of an approved vegetation management plan shall be incorporated into the covenants, conditions, and restrictions of any approved development, the conditions of approval, and referenced on the plat of an approved subdivision or planned development, or conditions of any other type of development permit.

18.13.045 - TREE RETENTION

To the extent practical, existing healthy significant trees shall be retained. Preservation of groups of significant trees, rather than individual trees shall be preferred. All grading shall take place outside the drip line of those significant trees to be retained, except that the city engineer may approve grading within the drip line if it can be demonstrated that such grading can occur without damaging the tree or trees.

Commented [SF4]: The provisions of Tree Retention were moved from Chapter 18.31.080. This section is the focus of our workshop, and the attachments (Case Studies and codes from other cities).

18.13.050 - LANDSCAPING STANDARDS.

- A. The property owner shall be responsible for any future damage to a street, curb, or sidewalk caused by landscaping.
- B. Landscaping shall be selected and located to deter sound, filter air contaminants, curtail erosion, minimize stormwater run-off, contribute to living privacy, reduce the visual impacts of large buildings and paved areas, screen, and emphasize or separate outdoor spaces of different uses or character. The required landscaping must be a combination of trees, shrubs, and ground cover to achieve these purposes.
- C. Minimum landscaping as a percent of gross site area shall be as follows:

Table 18.13.050- Landscape Coverage Area

Zone	Percent of Landscaping Required
HI	20%
RC, LI	15%
CC	15%
MX	15%
NC, MF	10% on lots less than 10,000 square feet; 15% on lots greater than 10,000 square feet
<u>R</u>	<u>20%</u>
BP	(see Section 18.37.040 "Landscaping standards")
LI/BP	(see Section 18.21.070 "Landscaping standards")
Parking lots	<u>20%</u> (see Section 18.13.060 of this chapter)

- D. Deciduous trees shall have straight trunks, be fully branched, have a minimum caliper of two inches, be equivalent to a fifteen-gallon container size, and be adequately staked for planting.
- E. Evergreen trees shall be a minimum of five feet in height, fully branched, and adequately staked for planting.
- F. Shrubs shall be a minimum of five-gallon pot size. Upright shrubs shall have a minimum height at planting of eighteen inches. Spreading shrubs at planting shall have a minimum width of eighteen inches (smaller shrub sizes may be approved where it is more appropriate within a particular landscape plan).
- G. Ground cover, defined as living material and not including bark chips or other mulch, shall at planting, have a maximum spacing of twelve inches on center for flats, and a maximum twenty-four inches on center between mature plants from containers of one gallon or larger.
- H. Appropriate measures shall be taken, e.g., installation of irrigation system, to assure landscaping success. If plantings fail to survive, it is the responsibility of the property owner to replace them.
- I. Required trees, as they grow, shall be pruned in accordance with the International Society of Arboriculture. The pruned tree will provide at least eight feet of clearance above sidewalks and twelve feet above street roadway surfaces.
- J. Existing trees may be used as street trees if there will be no damage from the development which will kill or weaken the tree. Sidewalks of variable width and elevation may be utilized to save existing street trees, subject to approval by the city.
- K. Vision clearance hazards shall be prohibited.

- L. Street trees and other required landscaping which dies or is removed, must be replaced within one year of death or removal. Replacement street trees may be an alternative species from the city's recommended tree list, and may be in a different location as approved by the city.

18.13.060 - PARKING AREAS.

- A. Parking areas are to be landscaped at all perimeters.
- B. All parking areas shall provide interior landscaping for shade and visual relief.
- C. Parking lots shall ~~include a~~ ~~have a~~ minimum ratio of one tree per six ~~double-loaded stalls or~~ ~~one tree per three single-loaded stalls~~ parking spaces. (See Figure 18.13.060-1).



(New) Figure 18.13.060-1 Example of Parking Lot Planter Areas

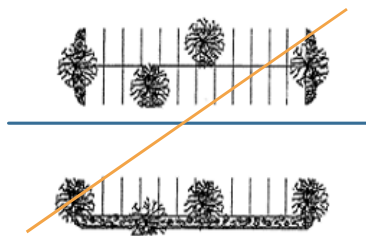


Figure 18.13-1 Parking Lot Planting Islands

- D. Planter strips (medians) and tree wells shall be used within parking areas and around the perimeter to accommodate trees, shrubs and groundcover.
- E. Planter areas ~~for trees must provide a minimum of 500 cubic feet of soil, and~~ shall provide a ~~five~~six-foot ~~by six~~ –foot (6'x6') minimum ~~width~~ of clear planting space.
- F. Wheel stops should be used adjacent to tree wells and planter areas to protect landscaping from car overhangs.
- G. Curbed planting areas shall be provided at the end of each parking aisle to protect parked vehicles, ~~and provide shade~~.
- H. No more than fifteen parking spaces shall be located in a row without a landscaped divider strip (See Figure 18.13.060-21).

Commented [SF5]: Goal is to provide more room for tree to grow and be healthy. This dimension also matches the downtown design standard for tree planter wells.

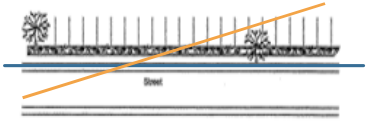


Figure 18.13-2 Parking Lot Landscape Divider Strip

Case Studies: Tree Preservation During Development

December 1, 2017

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Introduction

The City of Camas has been actively considering revisions to municipal code with the intent of improving or enhancing regulations relating to trees in the urban forest. As part of this project, Davey Resource Group was contracted to investigate some of the challenges experienced by City staff associated with the administration of Camas Municipal Code 18.31.080, Tree Retention. This particular code is positioned within Chapter 18.31, Sensitive Areas and Open Space.

Within the city limits, there exist parcels and natural areas that are not critical areas defined elsewhere in City code. City staff are challenged to evaluate and encourage tree retention plans from developers when these parcels are developed. Under existing code, healthy and large stature trees on undeveloped parcels can be removed prior to, or as a part of, a development application. There is currently little direction for preserving existing trees or for allowing options for mitigation when healthy trees are removed.

Davey Resource Group researched code language in some other municipalities that encourage tree preservation, retention or planting, including developing provisions for maintaining minimum shading requirements over pavement, establishment of tree tracts (preserved natural areas) or a minimum percentage of tree retention. The goal of this assignment was to examine how other municipalities have addressed similar issues. Specifically: .

1. Is there a common minimum requirement for shade preservation?
2. How is the determination made on whether/when trees are required for retention?
3. What language is used to prevent tree removal prior to the permitting process?
4. Are there provisions for substitution in some landscaping requirements when trees are preserved?
5. Are mitigation fees collected for trees that cannot be replaced on site?

To answer these questions, an internet search was performed to identify municipal codes in other jurisdictions which could provide examples and precedence. This research was generally limited to municipalities in Washington State and was not a comprehensive review of all municipal codes within the state. Example codes in this report were selected because they provide distinct language from municipal codes in communities that could be considered bedroom communities with similar development challenges to those experienced by Camas.

Camas - Existing Code Language

For reference, the following excerpts are provided from Camas Municipal Code”

18.31.010 - Purpose.

The guidelines, criteria, standards, special studies, and open space requirements in this chapter are intended to identify, protect, and preserve lands and areas within the city which are characterized by the presence of environmentally sensitive or valuable features and resources. These areas may include: steep slopes and areas of unstable soils, wetlands, streams, and watercourses. Certain activities, such as vegetation removal and the addition of impervious surfaces within these areas, unless regulated by the city, pose a potential threat to life, property, public health, and welfare. Unregulated activities also pose a significant threat to important environmental features and communities, and to the functions and values they perform. This chapter is also intended to implement the goals and policies of the comprehensive plan; to protect critical areas within the city as required by state policies, guidelines, and rules; to provide property owners and members of the public with notice as to the location and distribution of sensitive areas within the city; and to require special studies to help identify environmentally sensitive and valuable areas within the city. Such plans and studies shall be prepared by qualified professionals.

...

18.31.080 - Tree retention.

- A. A tree survey, conducted by a qualified biologist, landscape architect, or arborist, shall be conducted for all lands proposed to be developed and listed under [Section 18.31.020](#). A survey shall not be required for lands proposed to be retained as undeveloped open space.
- B. To the extent practical, existing healthy significant trees shall be retained. Preservation of groups of significant trees, rather than individual trees shall be preferred. All grading shall take place outside the drip line of those significant trees to be retained, except that the city engineer may approve grading within the drip line if it can be demonstrated that such grading can occur without damaging the tree or trees.

Shade Requirements

Is there a common minimum requirement for shade?

There are no common minimum requirements for shade in Washington state. Typically, shade requirements are associated with parking lot designs. What appears to be common is the research that provides the background for shade requirements on parcels. An internet search revealed

A study performed by Klaus Scott et al (1999) demonstrated how parking lot microclimates with 50% canopy of tree cover lowers the ambient temperatures for parked vehicles by approximately 4-8 F. (Effects of Tree Cover on Parking Lot Microclimate and Vehicle Emissions", Klaus Scott et al, Journal of Arboriculture 25(3), May 1999 p. 129 -142.)

At the City of Newcastle, WA (near Bellevue), shade trees are required using a per stall metric.
Newcastle Municipal Code 18.16.070

B. Land Use Type	Trees per Stall – Within CBC Overlay Zone	Trees per Stall – Within All Other Zones
Commercial or Industrial	1:5	1:5
Residential or Institutional	1:5	1:10

Tree Retention Determination Methods

How is the determination made on whether/when trees are required for retention?

Two municipalities in Washington provide distinct language relating to tree retention requirements; Newcastle and Olympia. The City of Newcastle makes use of code language that establishes trees of a certain size as “significant” and then proceeds to limit within the code, the activities that can be performed with regards to management of these trees. The City of Olympia has instead chosen to establish a tree density requirement on properties which instead of protecting individual trees, encourages tree retention in order to meet larger canopy goals across their municipal landscape.

NEWCASTLE

A comprehensive set of codes surrounding tree retention during development. The entire retention code involves significant trees. These are defined as follows:

18.06.598 Significant tree - *An existing healthy tree which, when measured four feet above grade, has a minimum diameter of:*

- A. Eight inches for evergreen trees; or*
- B. Twelve inches for deciduous trees.*

Once a tree is significant, the NMC outlines requirements for retention based on percentages. This approach is fairly common amongst municipalities in the greater Puget Sound Metro region that have tree retention requirements, but Newcastle provides good examples of how significant tree retention objectives can be described in city code. These include provisions for interior versus perimeter landscaping, sensitive areas, buffers and recognition that some significant trees may not be practical for retention:

18.16.130 Significant trees – Retention required.

Except as provided in NMC 18.16.170, significant trees shall be retained in all residential, commercial, industrial or institutional developments as follows:

- A. All significant trees located within any required perimeter landscaping area shall be retained;*
- B. Twenty-five percent of the significant trees located in the interior of the lot, excluding sensitive areas or their buffers, shall be retained in a residential or institutional development;*
- C. Five percent of the significant trees located in the interior of the lot, excluding sensitive areas or their buffers, shall be retained in commercial or industrial*

developments;

D. The following activities shall require a clearing and grading permit and shall conform to the provisions of this chapter and Chapter 14.15 NMC:

1. Clearing of 2,500 square feet of contiguous land area including native soils and vegetation; or

2. Removal of 10 or more significant trees as defined under NMC 18.06.598. Tree replacement for removal of significant trees shall be required to comply with on-site tree replacement in accordance with NMC 18.16.170;

E. Utility developments and mineral extraction operations shall be exempt from the significant tree retention requirements of this chapter;

F. If significant trees were previously located in a closed, forested situation, an adequate buffer of smaller trees shall be retained or replaced on the fringe of such significant trees;

G. A grouping of three or more existing trees with canopies that touch or overlap may be substituted for each required significant tree, provided each tree has a diameter of at least three inches when measured four feet above grade;

H. Except as provided in subsection (I) of this section, significant trees to be retained shall not include significant trees that are:

1. Damaged or diseased;

2. 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

I. At the discretion of the city, damaged or diseased or standing dead trees may be retained and counted toward the significant tree requirement if demonstrated that such trees will provide important wildlife habitat and are not classified as danger trees. (Ord. 2016-551 § 2 (Exh. 1); Ord. 2014-488 § 3 (Exh. A); Ord. 2001-248 § 32; Ord. 2000-210 § 42; Ord. 98-176 § 1; Ord. 45 § 1, 1994; Ord. 18 § 1, 1994).

18.16

The link to this code:

<http://www.codepublishing.com/WA/Newcastle/html/Newcastle18/Newcastle1816.html#18.16.130>

Olympia

All pieces of property, regardless of zoning or use, within the City of Olympia are required to maintain a minimum tree density (OMC 16.60.080). The density requirement is 30 tree units per acre. A “Tree Unit” has a general relationship to its diameter at breast height (dbh), but is not necessarily 1 to 1. Examples:

- a. 1”-6” DBH = 1 tree unit.
- b. 16” = 3 tree units
- c. 19” = 4.5 tree units

A tree removal permit is only required when the proposed trees for removal will drop the property below the minimum tree density requirement.

Olympia Tree Density Calculator

<http://olympiawa.gov/~media/Files/CPD/Urban%20Forestry/How%20to%20Calculate%20Tree%20Density.pdf?la=en>

Details tree density requirements for developed and un-developed property

<http://www.codepublishing.com/WA/Olympia/html/Olympia16/Olympia1660.html#16.60.080>

Language That Limits Removal

What language is used to prevent tree removal prior to the permitting process?

Washington State Laws

In absence of municipal codes controlling tree removal, Washington State Law under the forest protection act (Title 76), requires landowners with a forest to have a forest practices permit if they decide to initiate cutting or removal or other regulated activities that alter the natural systems on the property.

<http://app.leg.wa.gov/RCW/default.aspx?cite=76.09.010>

<http://app.leg.wa.gov/RCW/default.aspx?cite=76.09.240>

Olympia

Olympia has a minimum tree density requirements for all properties.

<http://www.codepublishing.com/WA/Olympia/html/Olympia16/Olympia1660.html#16.60.080>

Bainbridge Island

Bainbridge Island has 'significant trees' and established permit requirements for land clearing. Although the language provides for some amount of clearing without requiring a permit, This effectively limits conversion of land prior to a permit application.

<http://www.codepublishing.com/WA/Bainbridgelsland/html/Bainbridgelsland16/Bainbridgelsland1618.html>

Vancouver

The City of Vancouver has developed sophisticated tree removal permit requirements that consider a tree's size, it's location and the lot zoning. In many cases, a permit is required.

http://www.cityofvancouver.us/sites/default/files/fileattachments/public_works/page/1341/doineedatreepermit.pdf

Redmond

The City of Redmond, acknowledges the Washington State Laws in their municipal code regarding forest practice permittees. The language sets a limit on land use permits. This strategy encourages natural processes to reforest the site.

21.72.020 Permits Required - F. Forest Practices Permittees. *Permittees under Class IV - General forest practice permits issued by the Washington State Department of Natural Resources (DNR) for the conversion of forested sites to developed sites are also required to obtain a tree removal permit from the City. For all other forest practice permits (Class II, III, IV – special permit) issued by DNR for the purpose of commercial timber operations, no land use permits will be issued for six years following tree removal.*

<http://online.encodeplus.com/regs/redmond-wa/export2doc.aspx?pdf=1&tocid=005.009&file=doc-005.009-pid-80.pdf>

Provisions for Substitutions

Are there provisions for substitution in some landscaping requirements when trees are preserved?

Newcastle

For this question, the City of NewCastle provides a good example of code language that provides City staff with the ability to allow deviations and substitutions within develop applications. These provisions for substitution are available when code perimeter landscaping, or interior landscaping provide better functions to the property than meeting basic tree retention requirements.

CNC 18.16.060 Landscaping – Interior lot lines.

A 20-foot width of Type II landscaping shall be included where development within the CBC abuts all other zones outside the CBC, unless the director allows reductions or modifications of this standard as follows:

- a. The director may allow up to a 50 percent reduction of the required width if the landscape design incorporates vegetated screens, walls or other architectural barriers at least six feet in height and a narrower strip of more densely planted trees and shrubs;*
- b. The director may allow up to a 25 percent reduction of the required width of the perimeter landscaping when a development retains all healthy significant trees within the required 20-foot width buffer and the retained trees provide a screening function;*
- c. The width of the perimeter landscaping may be averaged, provided the minimum width is not less than 10 feet in any location determined by the director to be high activity areas;*
- d. The director may allow modification of the landscape requirement when existing conditions on or adjacent to the site, such as significant topographic differences, vegetation or utilities, would render application of this chapter impractical, ineffective or result in scenic view obstruction;*
- e. When an existing structure other than a fence or wall precludes installation of the total amount of required site perimeter landscaping, the director may allow modification of these requirements as necessary to accommodate the existing condition while remaining consistent with the purpose of this chapter and the intent of this section; and*
- f. In no case shall the director allow less than 10 feet of landscaping unless subsection (B)(2)(d) or (e) of this section applies.*

Lacy

The City of Lacy provides example language where cities require Tree Tracts as part of land development applications. A “Tree Tract” is a portion of land designated for the preservation and protection of existing trees or the planting of new trees to maintain tree canopy at a development site. In addition to providing an opportunity for developments to clear land as desired, the tree tract requirement at the City of Lacy also presents language that can transfer ownership of the tree tract over to the City. These options for transferring ownership of natural areas or ‘Tree Tracts’ may be a suitable strategy for accepting substitutions in landscaping requirements.

<http://www.codepublishing.com/WA/Lacey/html/Lacey14/Lacey1432.html#14.32.064>

Fee In-Lieu When Trees Can't Be Replaced

Are mitigation fees collected for trees that cannot be replaced on site?

Providing developers with the opportunity to pay fees in-lieu of meeting their landscaping requirements is becoming increasingly common within municipalities. Precedence for this option can be found at the National level, with the US Army Corp of Engineers. In a [Federal Rule](#) (PDF file 567 KB) published in April 2008, The U.S. Army Corps of Engineers (the Corps) and the U.S. Environmental Protection Agency (EPA) define an in-lieu fee program as:

- *“A program involving the restoration, establishment, enhancement, and/or preservation of aquatic resources through funds paid to a governmental or non-profit natural resources management entity to satisfy compensatory mitigation requirements... Similar to a mitigation bank, an in-lieu fee program sells compensatory mitigation credits to permittees whose obligation to provide compensatory mitigation is then transferred to the in-lieu program sponsor.”*

In King County, the county government describes the fee in-lieu approach as an option for ensuring that mitigation is achieved, even when not possible at the proposed project site:

When permitted projects will create unavoidable impacts to the environment, project sponsors must offset, or "mitigate" the environmental impacts associated with the project. The mitigation process includes avoiding and minimizing impacts as much as possible, and then making up for any unavoidable impacts through implementation of a mitigation project. Mitigation projects can occur on-site (at or near the place where the impact project occurs) or off-site. King County Code prioritizes on-site mitigation when it is ecologically feasible and likely to succeed long-term. However, if mitigation on or adjacent to the development site is impractical or won't result in meaningful ecological benefit, off-site mitigation becomes an option under King County code and state and federal rules. Off-site mitigation options may include use of a mitigation bank, "permittee-responsible" mitigation, or in-lieu fee mitigation through the Mitigation Reserves Program.

<http://www.kingcounty.gov/services/environment/water-and-land/wetlands/mitigation-credit-program.aspx>

Example of Cities found with Fee in-Lieu options

The following list was gleaned from the results of a keyword search using Google with the search terms "fee in-lieu", "washington", and "trees". Further investigation reveals some variation in how these fees are calculated, and where the funds collected get applied. Cities with fee in-lieu options in their codes include:

City of Redmond
City of Federal Way
City of Newcastle
City of Shoreline
City of Port Angeles
City of Lake Forest Park
City of Renton
City of Kenmore

City of Redmond

As an example, the City of Redmond calculates fee in-lieu to include the cost of the trees. More importantly, it also includes in the fee, all costs associated with establishment care:

21.72.080 E.2. -Tree Replacement Fee *A fee in lieu of tree replacement may be allowed, subject to approval by the Administrator after careful consideration of all other options. A tree replacement fee shall be required for each replacement tree required but not planted on the application site or an offsite location.*

(i) The amount of the fee shall be the tree base fee times the number of trees necessary to satisfy the tree replacement requirements of this section. The tree base fee shall cover the cost of a tree, installation (labor and equipment), maintenance for two years, and fund administration.

(ii) The fee shall be paid to the City prior to the issuance of a tree removal Permit.

(iii) Fees collected under this subsection shall be expended only for the planting of new trees in City-owned parks, open spaces or rights-of-way.

<http://online.encodeplus.com/regs/redmond-wa/export2doc.aspx?pdf=1&tocid=005.009&file=doc-005.009-pid-80.pdf>

City of Renton

At the City of Renton, code language is much more limited. Fee in-lieu options are still at the City's discretion, but only cover the cost of the tree and installation. No funding for establishment care is required in this code. The code does directly designate the funds to be allocated to the Urban Forestry Program fund which provides more discretion to the City with how the funds get allocated.

4-4-130 H.1.E iii. Fee in Lieu: *When the Administrator determines that it is infeasible to replace trees on the site, payment into the City's Urban Forestry Program fund may be approved in an amount of money approximating the current market value of the replacement trees and the labor to install them. The City shall determine the value of replacement trees.*

<http://www.codepublishing.com/WA/Renton/#!/Renton04/Renton0404/Renton0404130.html>

City of Port Angeles

Similar to the previous examples, the City of Port Angeles provides a fee in-lieu option, but it only appears to relate to street tree replacement requirements. Another distinction in this code is the fee is determined by the Community Forester (a city staff position):

11.13.050 B.3. Street tree requirements in previously developed area. *In addition to the above requirements, the following also apply: Where new street trees cannot be planted due to portions of rights-of-way having been previously paved or otherwise rendered unsuitable to plant trees, a fee-in-lieu of planting is required. Such fee shall be determined by the Community Forester per City Policy and deposited into the Community Forestry Fund.*

https://library.municode.com/wa/port_angeles/codes/code_of_ordinances?nodeId=TIT11STSI_CH11.13STTR_11.13.050STTRENRE

Concluding Remarks and Recommendations

From the information acquired in this limited research project, the City of Camas has the opportunity to improve the clarity of city code and establish limits on property development that encourage tree retention. Examples set by other cities include the following:

- **Significant Tree Retention Requirements** - The City of Camas could enact requirements that control the removal of significant trees on a property by requiring a permit process and/or mandating minimum tree density requirements.
- **Shade Requirements** - Trees provide environmental benefits, and the City could enact code requirements that would help the City meet canopy or shade objectives. Alternatively, the City could enact code requirements that relate to another environmental benefit such as Stormwater mitigation.
- **Fee in-lieu** - The City could enact code language that provides fee in-lieu opportunities for developers. Funds set aside in a tree bank could be used to improve the urban forest in other areas of the City when a development cannot meet tree retention objectives on-site.
- **Deviations and Substitutions** - Code revisions can include language that permits deviations from code requirements when the City determines that development proposals could meet City urban forestry objectives by other means.

Chapter 18.16
DEVELOPMENT STANDARDS – LANDSCAPING AND TREE RETENTION

Sections:

- 18.16.010 Purpose.**
- 18.16.020 Application.**
- 18.16.030 Land use grouping.**
- 18.16.040 Landscaping – Types and description.**
- 18.16.050 Landscaping – Street frontages.**
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- 18.16.174 Significant trees – Collection and expenditure of fee in lieu of retention or replacement.**
- 18.16.180 Maintenance.**
- 18.16.190 Bonds/security.**

18.16.200 Native vegetation standards.

18.16.010 Purpose.

The purpose of this chapter is to preserve the aesthetic character of communities; to improve the aesthetic quality of the built environment; to promote retention and protection of existing native vegetation; to reduce the impacts of development on drainage systems and natural habitats; and to increase privacy for residential zones by:

- A. Providing visual relief from large expanses of parking areas and reduction of perceived building scale;
- B. Providing physical separation between residential and nonresidential areas;
- C. Providing visual screens and barriers as a transition between differing land uses;
- D. Retaining existing native and noninvasive vegetation and significant trees by incorporating them into the site design; and
- E. Providing increased areas of permeable surfaces to allow for:
 - 1. Infiltration of surface water into groundwater resources;
 - 2. Reduction in the quantity of stormwater discharge; and
 - 3. Improvement in the quality of stormwater discharge. (Ord. 2009-417 § 2 (Att. 1); Ord. 45 § 1, 1994; Ord. 18 § 1, 1994).

18.16.020 Application.

All new development listed in NMC [18.16.030](#) 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 may be determined during the applicable review process. Specific landscaping and tree retention provisions for wireless communications facilities (WCFs) may be determined by the director during review of the WCF. For the purpose of this chapter, a new development is one that requires a change of occupancy permit or a substantial improvement as defined in NMC [18.06.648](#). (Ord. 2001-248 § 27; Ord. 45 § 1, 1994; Ord. 18 § 1, 1994).

18.16.030 Land use grouping.

A. Residential development shall refer to those uses listed in NMC [18.08.030](#), except those uses listed under accessory uses, provided:

- 1. Attached/group residences shall refer to:
 - a. Multifamily;
 - b. Senior citizen assisted;
 - c. Temporary lodging;
 - d. Group residences other than Type I community residential facilities;
 - e. Mobile home parks; and
- 2. Single detached development shall refer to:

a. Residential subdivisions, including attached and detached dwelling units on individually platted lots; and

b. Type I community residential facilities.

B. Commercial development shall refer to those uses in:

1. NMC [18.08.040](#) as amusement/entertainment uses, except golf facilities, churches, synagogues, and temples;
2. NMC [18.08.050](#) except recycling centers, health and educational services, and daycare I; and
3. NMC [18.08.070](#), except forest product sales and agricultural crop sales.

C. Industrial development shall refer to those listed in:

1. NMC [18.08.050](#) as recycling center;
2. NMC [18.08.060](#) except government services; and
3. NMC [18.08.080](#).

D. Institutional development shall refer to those uses listed in:

1. NMC [18.08.040](#) as cultural uses, including, but not limited to, churches, synagogues and temples, except arboretums;
2. NMC [18.08.050](#) as health services, and education services except specialized instruction schools permitted as an accessory use; and
3. NMC [18.08.060](#) as government services.

E. Utility development shall refer to those listed in NMC [18.08.060](#) as subregional utilities.

F. Uses contained in Chapter [18.08](#) NMC that are not listed in subsections (A) through (E) 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. (Ord. 2005-311 § 1; Ord. 2003-274 § 1; Ord. 2001-248 § 28; Ord. 2001-239 § 21; Ord. 45 § 1, 1994; Ord. 18 § 1, 1994).

18.16.040 Landscaping – Types and description.

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

A. Type I Landscaping.

1. Type I landscaping is a “full screen” that functions as a visual barrier. This landscaping is typically found adjacent to freeways and between residential and nonresidential areas.
2. Type I landscaping shall consist of:
 - a. A mix of primarily evergreen trees and shrubs placed to form a continuous screen;
 - b. At least 70 percent evergreen trees;
 - c. Evergreen trees spaced no more than 15 feet on center;
 - d. Broadleaf deciduous trees spaced no more than 20 feet on center;

- e. Evergreen shrubs spaced no more than four feet apart;
- f. Groundcover pursuant to NMC [18.16.090](#);
- g. The native vegetation standards are required for new development projects; and
- h. LID stormwater management facilities, such as bioretention facilities, may be incorporated into required landscaping; provided, that site and soil conditions make LID feasible, where approved by the city engineer, based on review of material prepared and submitted by the applicant, and the purpose and intent of the required landscaping is not compromised (i.e., a bioretention facility has landscaping trees that meet full screening requirements). Proposed LID stormwater management facilities shall be designed and constructed in accordance with the latest adopted version of the King County Surface Water Design Manual. When the King County manual does not provide guidance, applicants shall refer to the LID Technical Guidance Manual for Puget Sound (current edition).

B. Type II Landscaping.

1. Type II landscaping is a “filtered screen” that functions as a visual separator. This landscaping is typically found between commercial and industrial uses; between differing types of residential development; and to screen industrial uses from the street.

2. Type II landscaping shall consist of:

- a. A mix of evergreen and broadleaf deciduous trees and shrubs spaced to create a filtered screen;
- b. At least 50 percent deciduous trees and at least 30 percent evergreen trees;
- c. Evergreen trees spaced no more than 15 feet on center;
- d. Deciduous trees spaced no more than 20 feet on center;
- e. Shrubs spaced no more than five feet apart;
- f. Groundcover pursuant to NMC [18.16.090](#);
- g. The native vegetation standards are required for new development projects; and
- h. LID stormwater management facilities, such as bioretention facilities, may be incorporated into required landscaping; provided, that site and soil conditions make LID feasible, where approved by the city engineer, based on review of material prepared and submitted by the applicant, and the purpose and intent of the required landscaping is not compromised (i.e., a bioretention facility has landscaping trees that meet filtered screening requirements). Proposed LID stormwater management facilities shall be designed and constructed in accordance with the latest adopted version of the King County Surface Water Design Manual. When the King County manual does not provide guidance, applicants shall refer to the LID Technical Guidance Manual for Puget Sound (current edition).

C. Type III Landscaping.

1. Type III landscaping is a “see-through buffer” that functions as a partial visual separator to soften the appearance of parking areas and building elevations. This landscaping is typically found along street frontage or between apartment developments.

2. Type III landscaping shall consist of:

- a. A mix of evergreen and/or deciduous trees spaced to create a continuous canopy;
- b. At least 70 percent deciduous trees;
- c. Trees spaced no more than 25 feet on center;
- d. Shrubs, that do not exceed a height of four feet, spaced no more than four feet apart;
- e. Groundcover pursuant to NMC [18.16.090](#);
- f. The native vegetation standards are required for new development projects; and
- g. LID stormwater management facilities, such as bioretention facilities, may be incorporated into required landscaping; provided, that site and soil conditions make LID feasible, where approved by the city engineer, based on review of material prepared and submitted by the applicant, and the purpose and intent of the required landscaping is not compromised (i.e., a bioretention facility has landscaping trees that meet “see-through buffer” screening requirements). Proposed LID stormwater management facilities shall be designed and constructed in accordance with the latest adopted version of the King County Surface Water Design Manual. When the King County manual does not provide guidance, applicants shall refer to the LID Technical Guidance Manual for Puget Sound (current edition).

D. Type IV Landscaping.

1. Type IV landscaping is “parking area landscaping” that provides shade and visual relief while maintaining clear sight lines within parking areas.

2. Type IV landscaping shall consist of:

- a. Canopy-type deciduous or evergreen trees, evergreen shrubs and groundcovers planted in islands or strips;
- b. Shrubs that do not exceed a height of three feet;
- c. Plantings contained in planting islands or strips having an area of at least 100 square feet and with a narrow dimension of no less than four feet;
- d. Groundcover pursuant to NMC [18.16.090](#);
- e. At least 90 percent of the trees shall be deciduous;
- f. The native vegetation standards are required for new development projects; and
- g. LID stormwater management facilities, such as bioretention facilities, may be incorporated into required landscaping; provided, that site and soil conditions make LID feasible, where approved by the city engineer, based on review of material prepared and submitted by the applicant, and the purpose and intent of the required landscaping is not compromised (i.e., a bioretention facility has landscaping trees that meet shade and visual relief requirements while maintaining clear sight lines). Proposed LID stormwater management facilities shall be designed and constructed in accordance with the city’s adopted surface water design manual. Where the city’s adopted surface water design manual does not provide guidance, applicants shall refer to the LID Technical Guidance Manual for Puget Sound (current edition). (Ord.

2016-551 § 2 (Exh. 1); Ord. 2009-417 § 2 (Att. 1); Ord. 2008-392 § 7; Ord. 45 § 1, 1994; Ord. 18 § 1, 1994).

18.16.050 Landscaping – Street frontages.

A. Outside of the community business center overlay zone, perimeter landscaping along street frontages shall be provided as follows:

1. A 20-foot width of Type II landscaping shall be provided for an institutional use, excluding playgrounds, playfields and areas within the community business center (CBC) overlay zone. For areas within the CBC, see subsection (C) of this section.
2. A 10-foot width of Type II landscaping shall be provided for an industrial development.
3. A 10-foot width of Type II landscaping shall be provided for an aboveground subregional utility development located outside a public right-of-way.
4. A 10-foot width of Type III landscaping shall be provided for a commercial or attached/group residence development, excluding areas within the CBC.

B. For single-family residential subdivisions and all new development except individual single-family homes:

1. Trees shall be planted at the rate of one tree for every:
 - a. Fifty feet of frontage along a neighborhood collector street;
 - b. Forty feet of frontage along an arterial street; and
 - c. Thirty feet of frontage along a local access road.
2. The trees shall be:
 - a. Located within the street right-of-way if permitted by the custodial state or local agency and in compliance with NMC Title [12](#);
 - b. No more than 20 feet from the street right-of-way line when located within a lot;
 - c. Maintained by the adjacent landowner unless part of a city maintenance program; and
 - d. A species approved by the city.

C. Within the community business center overlay zone, the following street frontage landscaping standards apply in addition to requirements of the Community Business Center Design Guidelines:

1. Street trees shall be required consistent with the Community Business Center Design Guidelines, Section 1.B.
 - a. Trees may be planted in pits with tree grates, unit pavers or landscaping.
 - b. Gravel and/or turf are not allowed within tree pits and related frontage landscaping within the CBC.
2. A minimum of five percent of the street frontage area, defined as the area between the first floor facade of any structure and the curb, shall be landscaped. Required street trees are excluded from this calculation; however, landscaped tree pits may be included.

3. Landscaping shall be provided at building entries and within building setbacks to contribute to the overall visual quality of the street frontage and to provide focal points.
4. Landscaping may be provided in containers, permanent planting beds, window boxes, tree pits or on vertical vegetated walls.
5. Landscaping, excluding required street trees, may contribute to the floor area ratio incentives (FARI) bonus for landscaping as defined in NMC [18.36.040](#).
6. All landscaping shall conform to NMC [18.16.090](#), Landscaping – General requirements. (Ord. 2009-403 § 5; Ord. 2008-392 § 8; Ord. 2007-364 § 2; Ord. 2001-248 § 29; Ord. 2000-210 § 41; Ord. 45 § 1, 1994; Ord. 18 § 1, 1994).

18.16.060 Landscaping – Interior lot lines.

A. Outside of the community business center overlay zone, perimeter landscaping along interior lot lines shall be provided as follows:

1. A 20-foot width of Type I landscaping shall be included in a commercial or industrial development along any portion adjacent to a residential development;
2. A 20-foot width of Type II landscaping shall be included in an attached/group residence development along any portions of the development adjacent to a single-family detached residential development. Along portions of the development adjacent to another attached/group residence development or any nonresidential use the requirement shall be a 10-foot width of Type II landscaping;
3. A 10-foot width of Type II landscaping shall be included in an industrial development along any portion adjacent to a commercial or institutional development; and
4. A 10-foot width of Type II landscaping shall be included in an institutional use, excluding playgrounds and playfields, or an aboveground subregional utility development, excluding distribution or transmission corridors, when located outside a public right-of-way.

B. Within the community business center (CBC) overlay zone, perimeter landscaping along interior lot lines shall be provided as follows:

1. A 20-foot width of Type I landscaping shall be included where development within the CBC abuts the limited open space (LOS) zone or other public or private parks and open space.
2. A 20-foot width of Type II landscaping shall be included where development within the CBC abuts all other zones outside the CBC, unless the director allows reductions or modifications of this standard as follows:
 - a. The director may allow up to a 50 percent reduction of the required width if the landscape design incorporates vegetated screens, walls or other architectural barriers at least six feet in height and a narrower strip of more densely planted trees and shrubs;
 - b. The director may allow up to a 25 percent reduction of the required width of the perimeter landscaping when a development retains all healthy significant trees within the required 20-foot width buffer and the retained trees provide a screening function;
 - c. The width of the perimeter landscaping may be averaged, provided the minimum width is not less than 10 feet in any location determined by the director to be high activity areas;

d. The director may allow modification of the landscape requirement when existing conditions on or adjacent to the site, such as significant topographic differences, vegetation or utilities, would render application of this chapter impractical, ineffective or result in scenic view obstruction;

e. When an existing structure other than a fence or wall precludes installation of the total amount of required site perimeter landscaping, the director may allow modification of these requirements as necessary to accommodate the existing condition while remaining consistent with the purpose of this chapter and the intent of this section; and

f. In no case shall the director allow less than 10 feet of landscaping unless subsection (B)(2) (d) or (e) of this section applies.

3. A landscape buffer is not required along shared interior lot lines of parcels within the CBC. Areas not used for structures, pedestrian and vehicular circulation, parking and outdoor seating or gathering shall be vegetated unless specifically approved by the director as otherwise consistent with the purpose of this chapter. (Ord. 2008-392 § 9; Ord. 2007-364 § 2; Ord. 45 § 1, 1994; Ord. 18 § 1, 1994).

18.16.070 Landscaping – Surface parking areas.

Type IV landscaping shall be provided within surface parking areas as follows:

A. Land Use Type	Number of Stalls Within Parking Lot	Square Feet of Landscaping per Stall – Within CBC Overlay Zone	Square Feet of Landscaping per Stall – Within All Other Zones
Residential (including mixed use, but excluding single-family residential)	<10	20	20
Commercial, industrial, or institutional	<10	20	0
Residential, commercial, industrial, or institutional	10 – 30	25	20
Residential, commercial, industrial, or institutional	31+	30	25

B. Land Use Type	Trees per Stall – Within CBC Overlay Zone	Trees per Stall – Within All Other Zones
Commercial or Industrial	1:5	1:5
Residential or Institutional	1:5	1:10

C. The maximum distance between any parking stall and required parking area landscaping shall be no more than 55 feet.

D. Permanent curbs or structural barriers shall be provided to protect the plantings from vehicle overhang. (Ord. 2016-551 § 2 (Exh. 1); Ord. 2008-392 § 10; Ord. 45 § 1, 1994; Ord. 18 § 1, 1994).

18.16.080 Landscaping – Adjacent to freeway rights-of-way.

A. All residential developments shall provide a minimum of 20 feet of Type I landscaping adjacent to arterial rights-of-way.

B. All other developments shall provide a minimum of 20 feet of Type III landscaping adjacent to arterial rights-of-way. (Ord. 2016-551 § 2 (Exh. 1); Ord. 45 § 1, 1994; Ord. 18 § 1, 1994).

18.16.090 Landscaping – General requirements.

Landscape designs shall conform to the following provisions:

A. New landscaping materials shall include species native to the coastal region of the Pacific Northwest or noninvasive naturalized species that have adapted to the climatic conditions of the coastal region of the Pacific Northwest in the following amounts:

1. Seventy-five percent of groundcover and shrubs; and
2. Fifty percent of trees;

B. At least 60 percent of new landscaping materials shall consist of drought-tolerant species, except where site conditions within the required landscape areas assure adequate moisture for growth;

C. Existing vegetation may be used to augment new plantings to meet the standards of this chapter;

D. Deciduous trees shall have a caliper of at least two inches at the time of planting. If native species are used the caliper shall be at least two inches;

E. Evergreen trees shall be at least six feet in height measured from treetop to the ground at the time of planting;

F. When the width of any landscape strip is 20 feet or greater, the required trees shall be staggered in two or more rows;

G. Shrubs shall be:

1. Two-gallon size at time of planting in Type II, III and IV landscaping;
2. At least 24 inches in height at the time of planting for Type I landscaping; and
3. Maintained at a height not exceeding three feet when located in Type III or IV landscaping;

H. Groundcovers shall be planted and spaced to result in total coverage of the required landscape area within three years as follows:

1. Four-inch pots at 18 inches on center; or
2. One-gallon or greater sized containers at 24 inches on center;

I. Turf may be used as groundcover in landscape areas, except Type IV; provided, that the grass area:

1. Constitutes no more than 30 percent of Type I and II landscape areas; and
2. Is at least five feet wide at the smallest dimension;

J. Turf grass and groundcover areas shall be installed on a minimum 12 inches of tilled soil containing a minimum of seven percent organic content. Tilled soil shall contain no more than 10 to 15 percent compost;

K. All fences shall be placed on the inward side of any required perimeter landscaping;

L. Berms shall not exceed a slope of two horizontal feet to one vertical foot (2:1);

M. Existing soils shall be augmented with a two-inch layer of fully composted organic material rototilled a minimum of six inches deep;

N. Landscape areas shall be covered with at least two inches of mulch to minimize evaporation. Mulch shall consist of materials such as yard waste, sawdust and/or manure that is fully composted;

O. Drought-tolerant and non-drought-tolerant species shall be grouped separately and be served by separate irrigation systems;

P. All required planting areas shall extend to the curb line, street edge, or sidewalk; and

Q. Required street landscaping may be placed within city of Newcastle street rights-of-way subject to the city's street design standards with the permission of the city of Newcastle, provided adequate space is maintained along the street line on-site to replace the required landscaping should subsequent street improvements require the removal of landscaping within the rights-of-way. (Ord. 2009-417 § 2 (Att. 1); Ord. 2008-392 § 11; Ord. 2005-311 § 1; Ord. 45 § 1, 1994; Ord. 18 § 1, 1994).

18.16.100 Landscaping – Alternative options outside the CBC.

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

A. When the total area for required landscaping and that within the drip line of retained trees exceeds 15 percent of the area of the site, the landscaping requirement may be reduced so that the total required landscape and tree retention area will not exceed 15 percent of site area;

B. The width of the perimeter landscape strip may be reduced up to 25 percent along any portion where:

1. Berms at least three feet in height or architectural barriers at least six feet in height are incorporated into the landscape design; and

2. The landscape materials are incorporated elsewhere on site;

C. 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 NMC [18.16.130\(B\)](#) and (C)), whichever is greater;

D. The landscaping requirement may be modified when existing conditions on or adjacent to the site, such as significant topographic differences, vegetation, structures or utilities would render application of this chapter ineffective or result in scenic view obstruction;

E. Street perimeter landscaping may be waived provided a site plan is approved that provides a significant amount of street trees and other pedestrian-related amenities;

F. When an existing structure precludes installation of the total amount of required site perimeter landscaping, such landscaping material shall be incorporated on another portion of the site;

G. The width of the perimeter landscaping may be averaged, provided the minimum width is not less than five feet; and

H. Landscaping within bioretention facilities may be used to meet landscaping standards, provided they meet the screening requirements. (Ord. 2016-551 § 2 (Exh. 1); Ord. 2008-392 § 12; Ord. 45 § 1, 1994; Ord. 18 § 1, 1994).

18.16.110 Landscaping – Irrigation.

A. Except for areas of undisturbed existing vegetation or low areas with existing high soil moisture conditions, landscape areas shall have temporary irrigation systems. Such systems shall be removed after 24 months or two growing seasons, whichever occurs first, provided that the plantings are established.

B. Areas of undisturbed existing vegetation or areas where existing site conditions assure adequate soil moisture for growth within the required landscape area shall have temporary irrigation systems only as required to sustain new plantings and shall be determined on a case-by-case basis by the city.

C. Areas of undisturbed existing vegetation, low areas with existing high soil moisture conditions, or landscape areas consisting of drought-tolerant vegetation shall not have permanent irrigation systems. Permanent irrigation systems may be permitted within all other required landscape areas, provided such systems shall be designed by a licensed landscape architect or other qualified professional and with:

1. Moisture or precipitation sensors;
2. Automatic timers set for operation during periods of minimum evaporation and that assure adequate moisture levels;
3. Head-to-head spacing, if sprinkler heads are proposed;
4. Pressure regulating devices;
5. Backflow prevention devices; and
6. Separate irrigation zones for:
 - a. Turf and planting beds; and
 - b. Other non-drought-tolerant species. (Ord. 2001-248 § 30; Ord. 45 § 1, 1994; Ord. 18 § 1, 1994).

18.16.120 Landscaping – Installation.

A. Landscaping shall be installed prior to a certificate of occupancy for the project or project phase.

B. The time limit for compliance may be extended by the director to allow installation of landscaping during the next appropriate planting season. Appropriate security shall be required to insure compliance. (Ord. 2001-248 § 31; Ord. 45 § 1, 1994; Ord. 18 § 1, 1994).

18.16.130 Significant trees – Retention required.

Except as provided in NMC [18.16.170](#), significant trees shall be retained in all residential, commercial, industrial or institutional developments as follows:

A. All significant trees located within any required perimeter landscaping area shall be retained;

B. Twenty-five percent of the significant trees located in the interior of the lot, excluding sensitive areas or their buffers, shall be retained in a residential or institutional development;

C. Five percent of the significant trees located in the interior of the lot, excluding sensitive areas or their buffers, shall be retained in commercial or industrial developments;

D. The following activities shall require a clearing and grading permit and shall conform to the provisions of this chapter and Chapter [14.15](#) NMC:

1. Clearing of 2,500 square feet of contiguous land area including native soils and vegetation; or
2. Removal of 10 or more significant trees as defined under NMC [18.06.598](#). Tree replacement for removal of significant trees shall be required to comply with on-site tree replacement in accordance with NMC [18.16.170](#);

E. Utility developments and mineral extraction operations shall be exempt from the significant tree retention requirements of this chapter;

F. If significant trees were previously located in a closed, forested situation, an adequate buffer of smaller trees shall be retained or replaced on the fringe of such significant trees;

G. A grouping of three or more existing trees with canopies that touch or overlap may be substituted for each required significant tree, provided each tree has a diameter of at least three inches when measured four feet above grade;

H. Except as provided in subsection (I) of this section, significant trees to be retained shall not include significant trees that are:

1. Damaged or diseased;
2. 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

I. At the discretion of the city, damaged or diseased or standing dead trees may be retained and counted toward the significant tree requirement if demonstrated that such trees will provide important wildlife habitat and are not classified as danger trees. (Ord. 2016-551 § 2 (Exh. 1); Ord. 2014-488 § 3 (Exh. A); Ord. 2001-248 § 32; Ord. 2000-210 § 42; Ord. 98-176 § 1; Ord. 45 § 1, 1994; Ord. 18 § 1, 1994).

18.16.140 Significant trees – Retention plan.

The applicant shall submit a tree retention plan, prepared by a certified arborist, concurrent with a grading permit, building permit, preliminary subdivision or short subdivision application, or other applicable development permit application, whichever is reviewed and approved first. The tree retention plan shall consist of:

A. A tree survey that identifies the location, size and species of all significant trees on a site excluding trees located in critical areas or their buffers. The tree survey may be conducted by a method that locates individual significant trees or by using standard timber cruising methods to reflect general locations, numbers and grouping of significant trees; provided, that when using either method, the survey:

1. Shall also show the location and species of each significant tree that is intended to qualify for additional credit pursuant to NMC [18.16.150](#); and
2. Any tree 18 inches or greater diameter for the purpose of establishing wildlife habitat value; and
3. Circumference or diameter at breast height of tree; and
4. Estimated height of tree; and

5. Discussion of general health of the tree;

B. A development plan identifying the significant trees that are proposed to be retained, transplanted or restored. (Ord. 2016-551 § 2 (Exh. 1); Ord. 2014-488 § 3 (Exh. A); Ord. 2001-248 § 33; Ord. 45 § 1, 1994; Ord. 18 § 1, 1994).

18.16.150 Significant trees – Incentives for retention.

Each significant tree that is located outside of the area for perimeter landscaping and is retained may be credited as two trees for complying with the retention requirements of NMC [18.16.130](#), provided it meets one or more of the following criteria:

- A. The tree exceeds 60 feet in height, or 24 inches in diameter for evergreen trees or 30 inches for broadleaf trees;
- B. The tree is located in a grouping of at least five 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;
- E. The tree is located within 25 feet of any sensitive area or required sensitive area buffers; and
- F. The tree is 18 inches or greater in diameter and is identified as providing valuable wildlife habitat. (Ord. 2014-488 § 3 (Exh. A); Ord. 45 § 1, 1994; Ord. 18 § 1, 1994).

18.16.160 Significant trees – Protection.

To provide the best protection for significant trees:

- A. No clearing shall be allowed on a site until approval of tree retention and landscape plans;
- B. An area of prohibited disturbance, generally corresponding to two feet outside the drip line of the significant tree, shall be identified during the construction stage with a temporary six-foot-high chainlink fence;
- C. No impervious surfaces, fill, excavation, or storage of construction materials shall be permitted within the area defined by such fencing or stakes;
- D. A rock well shall be constructed if the grade level around the tree is to be raised by more than one foot. The inside diameter of the well shall be equal to the diameter of the dripline of the tree;
- E. The grade level shall not be lowered within the larger of the two areas defined as follows:
 - 1. The drip line of the tree(s); or
 - 2. An area around the tree equal to one foot diameter for each inch of tree trunk diameter measured four feet above the ground; and
- F. Alternative protection methods may be used if determined by the director to provide equal or greater tree protection. (Ord. 2014-488 § 3 (Exh. A); Ord. 2005-311 § 1; Ord. 2001-248 § 34; Ord. 97-153 § 39; Ord. 45 § 1, 1994; Ord. 18 § 1, 1994).

18.16.170 Significant trees – Replacement.

A. When the required number of significant trees cannot be retained, or native vegetation has been cleared from an area that exceeds 2,500 square feet, or 10 or more significant trees have been removed, significant trees that are removed shall be replaced with:

1. Transplanted significant trees; or
2. New trees measuring two-inch caliper or more, at a replacement rate of two inches diameter for every one inch diameter of the removed significant tree; or

B. When a tree that is part of an approved tree retention plan cannot be retained, mitigation may be required per subsection (A) of this section. (Ord. 2016-551 § 2 (Exh. 1); Ord. 2014-488 § 3 (Exh. A); Ord. 2009-417 § 2 (Att. 1); Ord. 2001-248 § 35; Ord. 2000-210 § 43; Ord. 45 § 1, 1994; Ord. 18 § 1, 1994).

18.16.171 Significant trees – Fee in lieu of retention or replacement.

A. If significant trees cannot be retained or replaced on site, the applicant shall pay a fee in lieu of retained or replaced trees. The fee in lieu may be used to satisfy all or part of the significant tree retention or replacement requirements.

B. Fee in lieu of retention or replacement shall not be used for undeveloped sites or single-family lots that meet the threshold for a grading permit as required in NMC [18.16.130](#)(D). (Ord. 2016-551 § 2 (Exh. 1); Ord. 2014-488 § 3 (Exh. A)).

18.16.172 Significant trees – Acceptance criteria for fee in lieu of retention or replacement.

City acceptance of the fee in lieu is discretionary, and may be permitted if the applicant provides an analysis by a qualified arborist that it is not feasible to retain or replace significant trees on site. The city may require review of the applicant's analysis by a qualified expert at the applicant's expense. (Ord. 14-488 § 3 (Exh. A)).

18.16.173 Significant trees – Determination of fee in lieu of retention or replacement.

The fee in lieu of significant tree retention or replacement shall be determined by the city on the basis of the typical market value of the retained or replaced significant trees. All information to determine the typical market value shall be provided by the applicant, as follows:

A. Calculate the amount of two-inch diameter trees required to be planted to comply with NMC [18.16.170](#)(A). The species of trees selected must meet or exceed the definition of significant tree per NMC [18.06.598](#) at maturity.

B. Submit three bids for the purchase, transportation, installation, irrigation, and two-year monitoring period of the replacement trees.

C. Average the total amount of three bids, which shall be the fee in lieu. (Ord. 14-488 § 3 (Exh. A)).

18.16.174 Significant trees – Collection and expenditure of fee in lieu of retention or replacement.

The fee in lieu of significant tree retention or replacement shall be:

A. Paid to the city at the time of:

1. Subdivision or short subdivision recording of single detached and townhome developments; or
2. Prior to issuance of building permits for all other development.

B. Used by the city for the planting of trees on public or private property, including, but not limited to, parks, open space, public rights-of-way, critical area tracts, and critical area buffers; and

C. Expended through the city council's capital budget and program appropriations. (Ord. 14-488 § 3 (Exh. A)).

18.16.180 Maintenance.

A. All landscaping and significant trees shall be maintained for the life of the project;

B. All landscape materials and significant trees shall be pruned and trimmed as necessary to maintain a healthy growing condition or to prevent primary limb failure;

C. With the exception of dead, diseased or damaged trees specifically retained to provide wildlife habitat; other dead, diseased, damaged or stolen plantings shall be replaced within three months or during the next planting season if the loss does not occur in a planting season; and

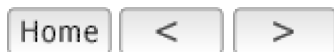
D. Landscape areas shall be kept free of trash. (Ord. 45 § 1, 1994; Ord. 18 § 1, 1994).

18.16.190 Bonds/security.

Performance bonds or other appropriate security (including letters of credit and set aside letters) shall be required for a period of two years after the planting or transplanting of vegetation to insure proper installation, establishment and maintenance. (Ord. 2009-417 § 2 (Att. 1); Ord. 45 § 1, 1994; Ord. 18 § 1, 1994).

18.16.200 Native vegetation standards.

The native vegetation retention standards in NMC [18.21.010](#) are encouraged for projects where site and soil conditions make LID feasible, and where approved by the city engineer based on review of material prepared and submitted by the applicant. (Ord. 2009-417 § 2 (Att. 1)).



The Newcastle Municipal Code is current through Ordinance 2017-557, passed September 19, 2017.

Disclaimer: The City Clerk's Office has the official version of the Newcastle Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.ci.newcastle.wa.us/>

City Telephone: (425) 649-4444

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Chapter 16.60 TREE, SOIL AND NATIVE VEGETATION PROTECTION AND REPLACEMENT

16.60.000 Chapter Contents

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(Ord. 7027 §8, 2016).

16.60.010 Purpose

Whereas growth, the spread of development, and increasing demands upon natural resources have the effect of encroaching upon, impacting or eliminating many of the intact native soils and vegetation, trees and natural resources and processes associated therewith which, if preserved and maintained in an undisturbed and natural condition, provide important physical, aesthetic, recreation and economic assets to existing and future residents of the city; and whereas the city council finds (1) that trees, healthy soils, and native vegetation protect public health through the capturing and filtering of stormwater runoff, absorption of air pollutants and contamination, through the reduction of excessive noise and mental and physical damage related to noise pollution, through their cooling effect in the summer months and insulating effects in winter, through their positive impact on global climate change; (2) that trees, healthy soils, and native vegetation provide for public safety through the prevention of soil erosion, siltation and flooding; (3) that trees, healthy soils, and native vegetation are essential to the general welfare of the city by maintaining the natural beauty and the irreplaceable heritage for existing and future city residents; and (4) that Olympia can promote urban forestry and land management practices which will preserve or enhance trees, healthy soils, and native vegetation on public and private lands as they transition from natural areas into an urban environment. Therefore, the purposes of this chapter are:

- A. To provide for the protection, preservation, replacement, proper maintenance and use of trees, soils, and native vegetation located in this city in order to preserve and enhance the city's physical and aesthetic character by preventing untimely and indiscriminate removal or destruction of trees, healthy soils, and native vegetation;
- B. To protect trees, healthy soils, and native vegetation in the city for their economic support of local property values and to preserve and enhance this region's natural beauty;

- C. To minimize the adverse impacts of land disturbing activities on stormwater infiltration, soil erosion, air quality, sedimentation and pollution of natural waterways, in order to minimize the public and private costs for stormwater control and treatment, utility maintenance and removal of pollution from our natural waterways;
- D. To promote site planning, construction practices and horticultural practices that are consistent with the reasonable use of property;
- E. To provide for the paramount public concern for these natural resources in the interest of a healthier and safer place in which to live and to promote the general welfare of the residents of this city;
- F. To implement the goals and objectives of the Washington State Environmental Policy Act; and
- G. To implement the goals and objectives of the City's Comprehensive Plan.

(Ord. 7027 §8, 2016; Ord. 5545 §1, 1995; Ord. 5248 §11(part), 1991).

16.60.020 Definitions

All words in this chapter shall have their customary dictionary definition except as specifically defined herein.

- A. "Agriculture" is the use of land for the primary purpose of deriving income from growing plants or trees on land including, but not limited to, land used principally for fruit or timber production, but not including land used principally for another use and only incidentally for growing trees or plants for income.
- B. "Buildable area" is that portion of a parcel of land wherein a building, parking and other improvements may be located and where construction activity may take place. Buildable areas shall not include streams, flood hazard areas, geologically hazard areas or wetlands as defined in Chapter [18.32](#) Critical Areas. For the purpose of calculating required minimum tree density, existing and newly dedicated city rights-of-way shall not be included.
- C. "Caliper" is the American Association of Nurseryman standard for trunk measurement of nursery stock. Caliper of the trunk shall be the trunk diameter measured 6" above the ground for up to and including 4" caliper size and 12" above the ground for larger sizes.
- D. "City" is the city of Olympia, Washington.
- E. "Clearing" is the destruction or removal of vegetation from a site by physical, mechanical, chemical or other means. This does not mean landscape maintenance or pruning consistent with accepted horticultural practices which does not impair the health or survival of the trees.
- F. "Commercial nursery or tree farm" is a licensed plant or tree nursery or farm in relation to those trees planted and growing on the premises of the licensee, which are planted and grown for sale through retail or wholesale channels in the ordinary course of the licensee's business.
- G. "Conversion Option Harvest" is a timber harvest as established in this chapter and the Washington State Department of Natural Resources Forest Practices Regulations, whereby a property owner is allowed to harvest a limited amount of timber from their property within the City of Olympia, while still maintaining their rights to convert their property to a use inconsistent with growing timber.
- H. "Critical root zone" is the area where the tree's roots are located. This root zone is generally the area surrounding a tree at a distance which is equal to one foot for every inch of tree at DBH (Diameter at breast height).
- I. "Crown" is the area of a tree containing leaf or needle-bearing branches.
- J. "Development" is the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, clearing or land disturbance; and any use or extension of the use of the land.
- K. "Diameter at Breast Height (DBH)" is a tree's diameter in inches at 4-1/2' feet above the ground. On multi-stemmed or trunked trees, the diameter shall be the diameter equivalent to the sum of trunk areas measured at 4-1/2' above the ground.

- L. "Grading" is any excavation, filling of earth materials or any combination thereof.
- M. "Hazard tree" is any tree with a combination of structural defect and/or disease which makes it subject to a high probability of failure, and is within close enough proximity to where persons or property could be harmed or damaged if the tree were to fail.
- N. "Healthy soil" is soil that is of good quality with the capacity to sustain plant, animal, and human life by providing nutrients, air and water space to infiltrate, pollutant absorption and filtering, and habitat.
- O. "Invasive species" are non-native organisms that are capable of spreading so quickly they can cause economic or environmental harm.
- P. "Landmark tree" is a tree or group of trees designated as such by the City because of its exceptional value to the residents of the city (see Chapter [16.56](#) Landmark Tree Protection).
- Q. "Limits of construction line" is a line separating the buildable areas from the protected areas.
- R. "Mitigation" is the act of restoring, creating, enhancing, or preserving a naturally occurring ecosystem to generate an increase in environmental functions to compensate for losses due to development or willful or negligent destruction of that ecosystem.
- S. "Native vegetation" is vegetation comprised of plant species, other than noxious weeds, that are indigenous to the coastal region of the Pacific Northwest and which reasonably could have been expected to naturally occur on the site.
- T. "Person" is any individual, organization, society, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, governmental agency, public or private utility, cooperative, interstate body or other legal entity.
- U. "Protected area" is all land where no construction activity, tree removal, vegetation removal, or soil compaction is allowed and includes the critical root zone of those trees to be preserved.
- V. "Qualified professional forester" is a professional with academic and field experience that makes them an expert in urban forestry. This may include arborists certified by the International Society of Arboriculture (ISA), foresters with a degree in forestry from the Society of American Foresters (SAF) accredited forestry school, or urban foresters with a degree in urban forestry. A qualified professional forester must possess the ability to evaluate the health and hazard potential of existing trees in an urban environment, and the ability to prescribe appropriate measures necessary for the preservation of trees during land development and management of those trees thereafter.
- W. "Remove or removal" is the act of removing a tree by digging up, cutting down or any act which causes a tree to die, significantly impacts its natural growing condition and/or results in diminished environmental benefits or a hazard tree; including but not limited to, damage inflicted on the root system by machinery, storage of materials or soil compaction; changing the ground level in the area of the tree's root system; damage inflicted on the tree permitting infections or infestation; excessive pruning; paving with concrete, asphalt or other impervious material within the critical root zone, or any other action which is deemed harmful to the tree.
- X. "Significant (upland) Wildlife Habitat" is an area designated as such in the Olympia Comprehensive Plan, or designated as state priority habitat, and which is utilized by state priority or local priority animal species with unusual frequency, density or diversity for critical ecological processes such as breeding, nesting, nursery, feeding, and resting.
- Y. "Soil and Vegetation Plan" is a plan that contains specific information pertaining to the protection of healthy soil, and the preservation and planting of trees and native vegetation pursuant to OMC [16.60](#) and the City of Olympia's Urban Forestry Manual.
- Z. "Soil and Vegetation Protection Area (SVPA)" is a separate tract of land, which may or may not be deeded as such, specifically set aside for the preservation of healthy soil and the preservation or planting of existing and/or native vegetation, including trees. Stormwater retention/detention facilities, critical area buffers and other common areas may be considered SVPA's if they currently or are improved to an extent

where they can support healthy soils and the growth of native vegetation. The purpose of these areas for preserving healthy soils and preserving and/or planting native vegetation is stated on the face of the plat when applicable.

AA. "Specimen tree" is a tree that has been given greater than standard tree density value through the evaluation process delineated in the Urban Forestry Manual.

BB. "Street trees" is trees located within the street rights-of-way, adjacent to public or private streets, including undeveloped areas.

CC. "Transplant" is the relocation of a tree from one place to another on the same property.

DD. "Tree" is any self-supporting perennial woody plant that matures at a height greater than 6'.

EE. "Tree unit" is a unit of measurement based upon the size of the tree as set forth in the Urban Forestry Manual.

FF. "Undeveloped" is a parcel of land on which no buildings or other facilities are located.

GG. "Understory" is the shrubs and plants growing beneath the main canopy of a forest, stand of trees, or individual tree; including low-growing vegetation that covers the ground.

HH. "Urban forestry" is the professional practice of planning, managing and protecting natural and planted vegetation in developing urban areas.

II. "Urban Forester" is the City of Olympia's Urban Forester or the Urban Forester's designee.

JJ. "Well-Adapted Drought-Tolerant Vegetation" is vegetation that is well adapted to current and anticipated environmental conditions in this region, and is not invasive or noxious.

KK. "Windfirm" is a tree which is capable of withstanding strong winds, in particular when associated with inclement weather events.

LL. "Worksite" is any contiguous area owned and operated as one development unit upon which earth disturbing activities are planned or underway.

(Ord. 7027 §8, 2016; Ord. 5545 §1, 1995; Ord. 5248 §11(part), 1991).

16.60.030 Applicability

A. No person or representative, directly or indirectly, shall remove, or destroy any tree, within the city, without first obtaining a tree removal permit as provided in this chapter, unless the activity is exempted in Section [16.60.040](#).

B. Unless otherwise exempted, any site to be developed, within the City of Olympia, shall be required to develop a Soil and Vegetation Plan (SVP) and shall be required to meet the minimum tree density herein created.

(Ord. 7027 §8, 2016; Ord. 5545 §1, 1995; Ord. 5248 §11(part), 1991).

16.60.040 Exemptions

The following activities are exempt from the Soil and Vegetation Plan and tree removal permit requirements. In all cases the minimum tree density herein established shall be maintained. In no case shall any landmark tree be removed without first obtaining a tree removal permit pursuant to Chapter [16.56](#).

A. Commercial Nurseries or Christmas Tree Farms. Removal of trees which are being grown to be sold as Christmas or landscape trees.

B. Emergencies. Removal of trees necessary to protect public safety or private or public property from imminent danger as determined by the Urban Forester or in response to emergencies declared by the city, county, state or federal governments.

C. Harvesting with a Forest Practices Permit. Removal of trees as allowed with a forest practices permit issued by the Washington State Department of Natural Resources.

D. Hazard Trees. Removal of hazard trees as defined by this chapter.

E. Developed Single-Family (under two acres). Removal of trees and other vegetation from developed single-family and multifamily (up to four units), less than two acres so long as the minimum required tree density is maintained.

F. Developed Single-Family (two acres or more). On developed single-family and multifamily (up to 4 units), 2 or more acres, removal of trees and other vegetation within 125' of the residence or other buildings, unless required to be installed and properly maintained specifically to facilitate stormwater infiltration or dispersion. (That portion of the property further than 125' from the residence or other buildings shall be treated as undeveloped property for the purpose of this chapter).

G. Subdivisions. Individual lots within a subdivision are exempt from meeting tree density requirements when the entire subdivision has complied with the tree density and soil and vegetation protection requirements of this chapter.

H. Undeveloped property. Removal of up to 6 trees per acre, up to a total of 6 trees from an undeveloped parcel within any 12 consecutive month period.

I. Street trees. Removal of street trees, when performed by or on behalf of the city, with approval of the Urban Forester.

(Ord. 7027 §8, 2016; Ord. 5799 §41, 1998; Ord. 5545 §1, 1995; Ord. 5248 §11(part), 1991).

16.60.045 City tree account

A. There is created a city tree account into which all penalties and revenues received under Chapters [16.56](#), [16.60](#) and the tree protection element of Chapter [16.48](#) of this title shall be placed. In addition, the following sources of funds may be placed in the city tree account:

1. Sale of trees or wood from city property where the proceeds from such sale have not been dedicated to another purpose;
2. Donations and grants for purposes of the fund;
3. Sale of seedlings by the city;
4. Civil penalties imposed under Section [16.60.130](#) or settlements in lieu of penalties. At the discretion of the city manager, costs incurred by the city to enforce Chapters [16.48](#), [16.56](#) or [16.60](#) may be deducted from the civil penalties;
5. Other monies allocated by the city council.

B. The city shall use the city tree account for the following purposes:

1. Acquiring, maintaining, and preserving areas of healthy soil and native vegetation within the city;
2. Planting and maintaining trees within the city;
3. Identification and maintenance of landmark trees;
4. Propagation of seedling trees;
5. Urban forestry education;
6. Other purposes relating to trees as determined by the city council.

(Ord. 7027 §8, 2016; Ord. 5545 §1, 1995; Ord. 5382 §4, 1993).

16.60.050 Soil and Vegetation Plan required

A. Requirement Established. A soil and vegetation plan is required to obtain a tree removal permit and is also required for any land development on property having a tree density below the minimum required and/or when Street Trees are to be installed.

B. Soil and Vegetation Plan Requirements. Specific Soil and Vegetation Plan requirements are delineated in the Urban Forestry Manual. The scale of the project and the size and quantity of trees proposed for removal, preservation, and planting will determine which level of Soil and Vegetation Plan is required. Table A lists activities or projects and the level of Soil and Vegetation Plan typically required.

TABLE A
PROJECTS OR ACTIVITIES FOR WHICH SOIL AND VEGETATION PLANS ARE REQUIRED

ACTIVITY or PROJECT	LEVEL (see manual)
Residential subdivisions (1-4 units)	I
Residential subdivisions (more than 4 units)	IV, V
Commercial/Industrial/Multifamily (over 4 units)	IV, V
Developed Commercial/Industrial/Multifamily (over 4 units), proposing a building addition or other site disturbance	II
Multifamily (1-4 units)	I
Planned Residential Development	IV, V
Mobile Home Park	IV, V
Nuisance Tree removal permit	III
Conversion Option Harvest Permit	VI
Residential 1-4 unit, building permit	I

C. Conditions. The Urban Forester shall attach conditions on the project as necessary to ensure the long-term health and survival of trees and understory vegetation to be retained and planted, pursuant to protection, planting, and maintenance standards established in the Urban Forestry Manual.

D. Application and Fee. The application for a tree removal permit and/or Soil and Vegetation Plan review shall be made on a form provided by the City, and shall be submitted at the same time as the Soil and Vegetation plan. The applicant shall pay a non-refundable permit fee to the Department of Community Planning and Development. The plan review and tree removal permit fee is set forth in Chapter 4.36.010 Building Code Review and Permit Fees.

E. Submittal of a Soil and Vegetation Plan. The application for Soil and Vegetation Plan review and/or a tree removal permit shall be submitted with associated development applications as applicable.

(Ord. 7027 §8, 2016; Ord 5577 §8, 1995; Ord. 5545 §1, 1995; Ord. 5248 §11(part), 1991).

16.60.060 Tree removal permit review procedure

A. The Urban Forester shall review the tree removal request to determine completeness, and take one of the following actions:

1. Approve the tree removal, with or without conditions, and issue a tree removal permit;
2. Deny the permit, indicating the deficiencies to the applicant;
3. Notify the applicant of complete/incomplete application with a timeline for issuance of a permit;
4. Notify the applicant that the permit will be issued concurrently with other development permits, when applicable.

B. Permit Duration. A permit issued under this chapter shall be valid for 180 days or the duration of the associated development permit or approval. The Urban Forester may authorize one 180-day extension.

C. Permit Amendments. The permittee may request a minor amendment to an approved permit. In addition, the Urban Forester may require minor project changes to protect drainageways, environmentally sensitive areas, and adjoining property and structures from damage or to alleviate hazardous conditions.

D. Display of Permits. Permits issued in association with this chapter shall be posted on the worksite prior to work beginning and shall remain until the Urban Forester accepts the work as complete.

E. Integrated Applications and Decisions. When a tree removal permit is submitted in combination with another application for approval of an associated project or development, the urban forester shall notify the applicant that the permit will be issued concurrently with other project permits and shall designate and authorize such official or body to issue a decision regarding such removal permit as necessary to ensure an integrated decision. Any recommendation of the urban forester regarding such decision shall be given substantial weight by designee.

(Ord. 7027 §8, 2016; Ord. 5570 §12, 1995; Ord. 5545 §1, 1995; Ord. 5248 §11(part), 1991).

16.60.070 Soil and vegetation plan review standards

A. Issuance of a permit under this chapter does not exempt the permittee from procuring and complying with other required permits or approvals. Whenever this chapter conflicts with other laws, ordinances or rules, the more restrictive shall apply.

B. Critical Areas. The approval authority shall restrict activities and/or impose conditions as warranted, to protect critical areas and their associated buffers, water quality, property or public safety.

C. Alternative Compliance. All tree removal permit 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 equal or superior to the provisions of this chapter in accomplishing the purposes of this chapter.

D. For all development projects, the following standards and provisions shall apply.

1. Timing of tree removal. Tree removal proposals will be reviewed and a decision issued concurrently with other development permits, as applicable.

2. When determining where to establish a required Soil and Vegetation Protection Area or retain trees when a Soil and Vegetation Protection Area is not required, locations with healthy soils, native understory vegetation, and mature trees in good condition shall have priority over development when there are feasible and prudent location alternatives on site for proposed building structures or other site improvements. This may require site redesign including, but not limited to: redesign of streets, sidewalks, stormwater facilities, utilities; changing the shape and size of the parking lot; reducing or limiting proposed site grading; and changing the locations of buildings or building lots.

3. If existing trees and vegetation meet the requirements for the required landscaping, they shall have priority over and may substitute for the required landscaping pursuant to the guidelines established in Chapter [18.36](#) Landscaping and Screening.

4. For residential subdivisions of five (5) units or more, at least 75 percent of the required minimum tree density shall be located within separate deeded Soil and Vegetation Protection Area(s) held in common ownership by the homeowner's association, or comparable entity.

5. For multi-family developments of five (5) units or more a minimum of 50% of the required minimum tree density shall be met in Soil and Vegetation Protection Area(s). Soil and Vegetation Protection Areas may also meet requirements for stormwater management, landscape buffering and screening when planting requirements and plant selection are appropriate for the site conditions and are demonstrated to be able to achieve the intended purpose of the applicable requirements.

6. Soil and Vegetation preservation priority. In designing a development project and in meeting the required minimum tree density, the applicant shall preserve Soil and Vegetation Protection Areas that include the following in order of priority. In all situations, trees to be preserved must be healthy, windfirm, and appropriate to the site at their mature size, as identified by a qualified professional forester.

- a. Landmark Trees.
- b. Specimen Trees.
- c. Critical Areas and Buffers. Trees located within critical areas, critical area buffers or adjacent to buffers. Those trees within critical area buffers may account for up to 50 percent of the required tree density; except within the Green Cove Basin those trees within critical areas and critical area buffers may account for up to 100 percent of the required tree density.
- d. Significant Wildlife Habitat. Trees located within or buffering Significant Wildlife Habitat.
- e. Healthy Soils and Native Vegetation. Native vegetation with associated healthy soils and understory.
- f. Other individual trees or groves of trees.

7. On sites where there are currently inadequate numbers of existing trees, where the trees are inappropriate for preservation, the soils are poor (unsuitable, disturbed, compacted etc.), or there are significant invasive species, as determined by the Urban Forester, then replacement tree planting, soil amendment, and understory mitigation shall be required. In designing a development project and in meeting the required minimum tree density, the following areas shall undergo mitigation in the following order of priority:

- a. Critical Area Buffers, Significant Wildlife Habitat. Within or adjacent to Critical Areas and Significant Wildlife habitat areas.
- b. Soil and Vegetation Protection Areas. Within designated Soil and Vegetation Protection Areas; may also include stormwater facility areas and areas of required landscaping.
- c. Stormwater retention/detention ponds. Adjacent to stormwater retention/detention ponds.
- d. Landscaping. For residential subdivisions this may include entrance landscaping, traffic islands, separate deeded tree tracts, and other common areas.
- e. Individual residential building lots.

E. Mitigation. Within Soil and Vegetation Protection Areas where there are poor soils (unsuitable, disturbed, compacted, etc.), no native species, no understory vegetation, and invasive species, as determined by the Urban Forester, mitigation shall be required. Mitigation shall include the following activities:

- a. Remediation of compacted soils. Applicable only to areas without existing native soils, ground cover vegetation, or trees and their associated critical root zones.
- b. Removal of invasive species.
- c. Understory vegetation. Planting of native understory vegetation, or well-adapted drought-tolerant vegetation, appropriate to site conditions.
- d. Restoration of existing trees through removal and replacement or restorative pruning. Including removal of hazard trees.
- e. Planting of trees. At least 60% of the resulting SVPA tree distribution shall be evergreen trees.

F. Mitigation Plan. When conditions warrant it, or as determined by the Urban Forester, a mitigation plan shall be submitted and approved as an element of the Soil and Vegetation Plan pursuant to standards in the Urban Forestry Manual.

G. For residential subdivisions, trees may be removed from individual building lots concurrent with the clearing of the proposed right-of-ways, and other frontage improvements, with the following provisions:

1. The Urban Forester has determined that the existing trees, on the proposed individual lots, are inappropriate for retention due to tree condition, soils, topographic constraints, proposed small lot size, and/or the size of the trees at maturity.
2. 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, shrubs, ground cover and stumps shall be maintained on the individual lots, where feasible. Where infeasible appropriate erosion control practices shall be implemented pursuant to the Drainage Design and Erosion Control Manual for Olympia.

H. Developed commercial, industrial, multifamily (more than four units) properties, nuisance tree removal. Proposals to remove a tree or trees on these properties shall comply with the following standards.

1. The tree must meet the following criteria:
 - a. Tree is causing obvious, physical damage to private or public property, including but not limited to: sidewalk, curb, road, parking lot, building foundation, roof, stormwater infiltration or treatment system; or
 - b. Tree has been damaged by past maintenance practices, that cannot be corrected with proper arboricultural practices;
2. The problems associated with the tree must be such that they cannot be corrected by any other reasonable practice. Including but not limited to the following:
 - a. Pruning of the crown or roots of the tree and/or, structural changes to a building, parking lot, sidewalk or other site modifications to alleviate the problem.
 - b. Pruning, bracing, cabling, to reconstruct a healthy crown.

I. Undeveloped Properties, Conversion Option Harvest. For properties proposing a conversion option harvest, the following standards shall apply:

1. Trees to remain should be dominant or co-dominant in the stand, healthy, and windfirm.
2. Trees to remain should be located on the site in areas that would most likely facilitate their preservation through the build-out of the site.
3. Up to 30% of the number or volume of trees, by species, can be removed every 10 years.
4. No removal of trees from critical areas or buffers.
5. No removal of Landmark trees.
6. No removal of trees that would cause trees on adjacent properties to become hazardous.
7. Logging operations shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time. To control erosion, shrubs, ground cover and stumps shall be retained where feasible. Where infeasible appropriate erosion control practices shall be implemented pursuant to the Drainage Design and Erosion Control Manual for Olympia.
8. Slash Abatement practices shall be implemented pursuant to Olympia Fire Department Standards.

J. Street trees. Street trees shall be included in the soil and vegetation protection plan. It should be drawn to scale on the site plan and should include the following information:

1. Location, size, and species of trees to be planted;
2. Description and detail showing site preparation, installation and maintenance measures;
3. Timeline for site preparation, installation and maintenance of street trees;

4. Cost estimate for the purchase, installation and maintenance for a minimum of three years of street trees;
5. The description and location of any underground or overhead utilities within the rights-of-way or near proposed street trees;
6. Additional information. The City's Urban Forester may require any additional information deemed necessary to ensure compliance with the provisions of this chapter;
7. Information waiver. The City's Urban Forester may waive the requirements for a scaled drawing and other submission data if they find that the information presented is sufficient to determine the project's compliance with the provisions of this Chapter;
8. Design guidelines: See OMC Chapters [18.100](#) through [18.180](#) in general and section [18.170.010](#) in particular.

(Ord. 7027 §8, 2016; Ord. 6967 §8, 2015; Ord. 5545 §1, 1995; Ord. 5248 §11(part), 1991).

16.60.080 Tree density requirement

A. Minimum Tree Density Requirement Established. A minimum tree density of 30 tree units per acre is required on the buildable area of each site, except within the Green Cove Basin (see OMC [16.60.080\(5\)](#)) and in critical areas, see OMC [18.32](#). The tree density may consist of existing trees, replacement trees or a combination of existing and replacement trees, pursuant to the priority established in Section [16.60.070](#). For the purpose of calculating required minimum tree density, critical areas, critical area buffers, city rights-of-way and areas to be dedicated as city rights-of-way shall be excluded from the buildable area of the site.

B. Tree Density Calculation. Specific Tree Density calculations and replacement tree standards are delineated in the City of Olympia's Urban Forestry Manual. Table 16.60.080 A shows the required minimum tree density and replacement tree requirements for various activities.

1. Developing properties are required to meet a minimum tree density of 30 tree units per acre.
2. Developed Commercial/Industrial/Multifamily (5 units or more) properties, proposing an addition or other site disturbance are required to replace a minimum tree density of one tree unit for every 500 sq. ft. of site area to be disturbed and 3 tree units for every one tree unit proposed for removal, up to the minimum tree density of 30 tree units per acre for the entire site. For the purpose of determining required replacement trees, site area disturbed shall include: installation or expansion of a building or other structure; drilling; and site alterations such as those due to land surface mining, dredging, grading, construction of earthen berms, paving, improvements for use as parking or storage, excavation or clearing.
3. Developed Commercial/Industrial/Multifamily (5 units or more) properties, proposing tree removal are required to replace 3 tree units for every one tree unit proposed for removal, up to the minimum tree density of 30 tree units per acre for the site.
4. Undeveloped property proposing a conversion option harvest are required to meet a minimum tree density of 200 tree units per acre.
5. Green Cove Basin. Within the Green Cove Basin and all Residential Low Impact (RLI) zoning districts of the City a minimum tree density of 220 tree units per acre shall be provided.

C. Replacement Tree Location. The applicant's proposed location of transplanted or replacement trees shall be subject to city approval as part of the Soil and Vegetation Plan. Replacement trees should be planted according to the following priority:

1. On-Site.
2. Off-site. When room is unavailable for planting the required trees on-site, then they may be planted at another approved location in the city.

3. City Tree Account. When on-site and off-site locations are unavailable, then the applicant shall pay an amount of money approximating the current market value of the replacement trees into the City's Tree Account.

D. Replacement Tree Standards. Replacement trees shall meet the quality and size, and be planted pursuant to standards delineated in the Urban Forestry Manual.

E. Replacement Tree Selection and Distribution. Replacement trees shall be native species or well-adapted drought-tolerant vegetation, and at least 60% evergreen trees, unless determined by the Urban Forester as not appropriate for site conditions.

(Ord. 7027 §8, 2016; Ord. 6775 §1, 2011; Ord. 5545 §1, 1995; Ord. 5382 §3, 1993; Ord. 5248 §11(part), 1991).

16.60.080A TABLE: Required minimum tree density and replacement tree requirements per activity

TABLE 16.60.080A

Proposed Activity	Tree Replacement Requirements	Required Minimum Tree Density for the Parcel
New Development	30 tree units per acre	30 tree units per acre
Developing Single-family (multifamily up to 4 units)	30 tree units per acre	30 tree units per acre
Developed Properties	30 tree units per acre	30 tree units per acre
Developed Commercial/ Industrial/Multifamily (more than 4 units) proposing an addition or other site disturbance	1 tree unit for every 500 sq. ft. disturbed and 3 tree units for every one tree unit proposed for removal	30 tree units per acre
Developed Commercial/ Industrial/Multifamily (more than 4 units) proposing tree removal	3 tree unit for every 1 tree unit proposed for removal	30 tree units per acre
Conversion Option Harvest	Site must remain at a minimum tree density of 200 tree units per acre.	200 tree units per acre
New Developments in Green Cove Basin or RLI land use zone, or both	220 tree units per acre	220 tree units per acre

16.60.090 Tree protection during construction

Prior to initiating tree removal on the site, soils, vegetated areas and individual trees to be preserved shall be protected from potentially damaging activities pursuant to standards in the Urban Forestry Manual.

(Ord. 7027 §8, 2016; Ord. 5545 §1, 1995; Ord. 5248 §11(part), 1991).

16.60.100 Maintenance requirements

The following maintenance requirements shall apply in perpetuity to all Soil and Vegetation Protection Areas, required landscaping, individually retained trees, and street trees.

A. Maintenance Requirement. Understory vegetation shall be maintained in a vigorous and healthy condition, free from diseases, pests and invasive plant species. Trees are to be maintained in a vigorous and healthy condition, free from diseases, pests and in accordance with the standards delineated in the Urban Forestry Manual. Trees and understory vegetation which become diseased, severely damaged or which die

shall be removed by the owner as soon as possible but no later than 60 days after notification by the city. All trees and understory vegetation removed under this section shall be replaced with healthy vegetation of the same size species, and planting standards as required by the approved Soil and Vegetation Protection plan for the property.

B. For Soil and Vegetation Protection Areas, required landscaping, and street trees, the maintenance requirement of this section shall be in effect from the date the final plat is approved or Certification of Occupancy issued.

The maintenance requirement shall be a condition of approval and identified on the face of the plat when applicable. The applicant shall also execute a covenant in a form agreeable to the city which shall require the applicant and successors to comply with the maintenance requirement of this section. The covenant shall obligate both the property owner and a homeowner's association, if applicable. The covenant shall be recorded with the county auditor. The recording fee shall be paid by the applicant.

C. Multifamily Residential, Commercial, Industrial Developments. The applicant shall execute a covenant in a form agreeable to the city which shall require that the applicant and successors comply with the maintenance requirement imposed by this section. The covenant shall be binding on successor property owners and owners' associations. The covenant shall be recorded with the county auditor. The recording fee shall be paid by the applicant.

D. Specimen Trees. Each development to which the maintenance requirement for this chapter applies and that contain a specimen tree(s) shall include provisions in the maintenance requirement to ensure the survival and proper care of any specimen trees identified in the Soil and Vegetation Plan.

E. Surety. For residential developments containing five units or more, commercial and industrial projects, the applicant will be required to post a surety. The surety shall be in the form approved by the city attorney. The surety document shall have a face amount equal to 125 percent of the estimated amount necessary to guarantee the maintenance and replacement of soils, understory vegetation, and trees in conformance with the maintenance requirement and Soil and Vegetation Plan for a period of three years from the date the certificate of occupancy is issued by the city or from the date of final plat approval.

F. Failure to maintain. Failure to regularly maintain the Soil and Vegetation Protection Areas, required landscaping, individually retained trees, and street trees as required in this section shall constitute a violation of this chapter and, if applicable, the plat covenant.

(Ord. 7027 §8, 2016; Ord. 5545 §1, 1995; Ord. 5248 §11(part), 1991).

16.60.110 Variance for hardship

The administrative process for variances shall be governed by Chapter [18.66](#) Variances and Unusual Uses.

(Ord. 7027 §8, 2016; Ord. 5545 §1, 1995; Ord. 5248 §11(part), 1991).

16.60.120 Appeal

Appeals of administrative decisions shall be governed by Chapter [18.72](#) Administration.

(Ord. 7027 §8, 2016; Ord. 5545 §1, 1995; Ord. 5248 §11(part), 1991).

16.60.130 Enforcement –Penalties

A. Authority. It shall be the duty of the Urban Forester to administer the provisions of this chapter. The Urban Forester shall have authority to issue permits, impose conditions, enforce the provisions and requirements of this chapter and permits issued thereunder, and establish administrative procedures and guidelines, conduct inspections, and prepare the forms necessary to carry out the purposes of this chapter.

B. Authorized Actions. In addition to other remedies, the city may bring injunctive, declaratory or other actions to enforce this chapter.

C. Stop Work Orders/Permit Revocation.

1. The Urban Forester shall suspend work or revoke a permit, as appropriate, if the Urban Forester finds that:

- a. The work is not authorized by a valid permit;
- b. Inaccurate information was used to obtain the permit;
- c. The permittee is not complying with the terms of the permit or approved plans;
- d. The work is, in the Urban Forester's judgment, a hazard to property or public safety, is adversely affecting or about to adversely affect adjacent property or rights-of-way, a drainageway, watercourse, environmentally sensitive area, stormwater facility, or Soil and Vegetation Protection Area, or is otherwise adversely affecting the public health, safety, or welfare;
- e. Adverse weather is causing significant problems on or off site; or
- f. The required project surety has been expended to the point that it no longer provides assurance of the completion of the project in compliance with the terms of the permit.

2. The Urban Forester shall issue the permittee/violator a written notice specifying the nature of the violation or problem which must be remedied prior to resuming other work on the project. If the permittee does not comply with the order within the time specified, the Urban Forester, as an alternative to other remedies, may enter the project site and perform the required work. All costs incurred by the city in performing such work shall be drawn against the surety posted by the permittee to ensure the enforcement of the provisions of the tree plan or the tree removal permit. In the absence of sufficient surety, the city may place a lien against the property in the amount of the funds expended to perform the required work.

D. Restoration. Violators of this chapter or of a permit issued thereunder shall be responsible for restoring unlawfully damaged areas in conformance with a plan, approved by the Urban Forester, 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).

E. Prohibition of Further Approvals. The city shall not accept, process, or approve any application for a 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, a plan for mitigating the violation has been agreed upon, or other means accepted by the Urban Forester and by payment of any penalty imposed for the violation.

F. Criminal and Civil Penalty.

1. Any person, firm, or corporation who knowingly violates or fails to comply with any term or provision of this chapter shall be deemed to have committed a misdemeanor, and if found guilty, shall be subject to a fine not to exceed One Thousand Dollars (\$1,000), and/or to imprisonment not to exceed ninety (90) days or to both such fine and imprisonment. Each day shall be a separate offense. In the event of a continuing violation or failure to comply, the second and subsequent days shall constitute a gross misdemeanor punishable by a fine not to exceed Five Thousand Dollars (\$5,000) and/or imprisonment not to exceed three hundred and sixty-five (365) days or both such time and imprisonment. Continuing violation shall mean the same type of violation which is committed within a year of the initial violation.

2. As an additional concurrent penalty, it shall be a civil infraction for a person, firm, or corporation to violate or fail to comply with any term or provision of this chapter. Each day shall be a separate infraction. A person, firm, or corporation found to have committed a civil infraction shall be assessed a monetary penalty as follows:

3. Class 1 (\$250), not including statutory assessments.

G. Public Nuisance. Any violation of the provisions of this chapter or a violation of a permit issued hereunder is declared to be a public nuisance and may be abated through proceeding for injunctive or similar relief in

Superior Court or other court of competent jurisdiction.

(Ord. 7027 §8, 2016; Ord. 6081 §62, 2001; Ord. 5545 §1, 1995; Ord. 5248 §11(part), 1991).

16.60.140 Liability on the city

Nothing in this chapter shall be deemed to impose any liability upon the city or upon any of its officers or employees, or to relieve the owner or occupant of any private property from the duty to keep in safe and healthy condition the trees upon their property or upon a public rights-of-way over their property.

(Ord. 7027 §8, 2016; Ord. 5545 §1, 1995; Ord. 5248 §11(part), 1991).

16.60.160 Authority

A. Authority of the Urban Forester.

1. The Urban Forester shall manage the City's Urban Forestry Program, which includes, but is not limited to the administration of the Tree, Soil, and Native Vegetation Protection and Replacement ordinance and the provisions of the Urban Forestry Manual.
2. The Urban Forester shall develop and periodically review and revise as necessary The Urban Forestry Manual.

(Ord. 7027 §8, 2016; Ord. 5545 §2, 1995).

16.60.170 Specimen tree evaluation - For public trees

A. Specimen tree evaluation shall use a standardized and professionally accepted method. Standards for the specimen tree evaluation are delineated in the Urban Forestry Manual or by request from the Urban Forester.

(Ord. 7027 §8, 2016; Ord. 5827 §2, 1998)

The Olympia Municipal Code is current through Ordinance 7107, passed November 28, 2017.

Disclaimer: The City Clerk's Office has the official version of the Olympia Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

Olympia's Codification Process (<http://olympiawa.gov/city-government/codes-plans-and-standards/municipal-code.aspx>)

Municipal Code contact information:

Email: adminservices@ci.olympia.wa.us

(<mailto:adminservices@ci.olympia.wa.us>)

Telephone: (360) 753-8325

City Website: <http://olympiawa.gov>
(<http://olympiawa.gov>)
Code Publishing Company
(<http://www.codepublishing.com/>)



Calculating Tree Density on Residential Properties

1. All pieces of property, regardless of zoning or use, within the City of Olympia are required to maintain a minimum tree density (OMC 16.60.080). The density requirement is 30 tree units per acre.
2. Units are derived from the size of a tree (measured by DBH, or diameter of the trunk taken at 4.5 feet from the base).
3. The tree unit chart can be found in the Urban Forestry Manual on page 15. Examples:
 - a. 1"-6" DBH = 1 tree unit.
 - b. 16" = 3 tree units
 - c. 19" = 4.5 tree units
4. Calculating tree density. Example: A residential property is .5 acre.
 $.5 \times 30 \text{ tree units/acre} = \text{a required minimum tree density of 15 tree units.}$

The property has on it two 20" Douglas-fir trees, one 15" Red oak, and two 8" alders.

- a. 20" Douglas-fir = 5 tree units x 2 (trees) = 10 tree units
- b. 15" Red oak = 2.5 tree units
- c. 8" Alder = 1.5 tree units x 2 (trees) = 3 tree units

Total tree units on site: $10 + 2.5 + 3 = 15.5 \text{ tree units.}$

Minimum tree density is met.

5. Tree Removal Permits. A tree removal permit is only required when the proposed trees for removal will drop the property below the minimum tree density requirement.
Example: A residential property is .25 acre. $.25 \times 30 \text{ tree units/acre} = 7.5 \text{ required tree units.}$ The property currently has 3 Douglas-fir trees that each measure 18" DBH.
 $18" \text{ DBH} = 4 \text{ tree units} \times 3 \text{ (trees)} = 12 \text{ tree units.}$

The owner of the property wants to remove 2 of the trees: $12 \text{ tree units} - 8 \text{ tree units} = 4 \text{ tree units.}$
Because four tree units will not meet the minimum density requirement of 7.5 units, a *permit is required.*

The property owner must submit their proposed removal plan for review by the Urban Forester. There is a \$50 review and permit fee. If the property will drop below the minimum tree density, the plan must include replacement trees.

6. Replacement trees are worth 1 tree unit. To maintain tree density, in the above example, the property owner would need to submit a replacement plan which includes planting 4 trees to satisfy the minimum tree density requirement.
7. Newly planted trees must meet a minimum size requirement:
 - a. 1.25" caliper for deciduous trees*
 - b. 4' tall for conifer trees*

*Residential properties—for commercial, industrial, multi-family, see the Urban Forestry Manual, page 16.
8. Exemptions. Tree removal that does *not* drop a property below the minimum required tree density, is exempt from a tree removal permit.
9. Example: A residential property is .16 acre, with one 15" red maple, one 8" purple-leaf plum, and two 6" apple trees on it. Minimum tree density is (.16 x 30) 5 tree units. The existing trees on site total 7 tree units.

The owner wants to remove the purple-leaf plum, worth 1.5 units.

$7 - 1.5 = 5.5$ tree units, so this tree removal is exempt. Even with removal of the purple-leaf plum the parcel still meets the minimum tree density. No tree removal permit is needed.

Note: In some cases, it takes just one BIG tree to meet tree density on a small, urban lot.

Example: a property is .16 acre. Required minimum tree density is 5 tree units. One BIG Douglas-fir measuring 21" DBH = 5.5 tree units. Technically, all other trees on the property can be removed and are exempt from requiring a permit.

**CHAPTER 14.32
TREE AND VEGETATION PROTECTION AND PRESERVATION**

Sections:

- 14.32.010 Short title**
- 14.32.020 Purposes and permit criteria**
- 14.32.030 Definitions**
- 14.32.035 The city's tree protection professional**
- 14.32.040 Permits**
- 14.32.045 Class IV forest practice applications**
- 14.32.050 Exemptions**
- 14.32.060 Application for permits repealed**
- 14.32.060 Application for permits revised**
- 14.32.062 Repealed**
- 14.32.063 Conformance to standards**
- 14.32.064 Tree tract requirements**
- 14.32.065 Conformance to standards repealed**
- 14.32.065 Tree replacement in tree tracts**
- 14.32.066 Tree replacement and establishment of new trees on lots**
- 14.32.067 Solar access considerations repealed**
- 14.32.067 Street tree requirements**
- 14.32.068 Solar access considerations**
- 14.32.069 Revegetation option**
- 14.32.070 Financial security repealed**
- 14.32.070 Additional considerations for commercial developments**
- 14.32.072 Historical trees**
- 14.32.073 Financial security**
- 14.32.080 Appeals**

14.32.090 Violations

14.32.095 Requirements for foresters and contractors doing land clearing work in Lacey

14.32.100 Severability

14.32.010 Short title.

This chapter shall be known and may be cited as the Tree and Vegetation Protection /Urban Forest Management regulations of the city of Lacey. (Ord. 1269 §3, 2006; Ord. 904, 1991; Ord. 399 §1 (part), 1975).

14.32.020 Purposes and permit criteria.

These regulations are adopted for the following purposes and these purposes are to be used as criteria for the issuance of land clearing permits under LMC [14.32.040](#):

- A. To implement strategies for the management and protection of Lacey's urban forest resources pursuant to the goals and policies of the Lacey Urban Forest Management Plan;
- B. To implement the purposes of the State Growth Management Act relating to conservation of natural resources, including Lacey's urban forest resources, pursuant to RCW [36.70A.050](#), [36.70A.060](#) and [36.70A.080](#);
- C. To implement the purposes of the State Growth Management Act pursuant to RCW [36.70A.172](#), considering the many environmental benefits of the urban forest as described in Lacey's Urban Forest Management Plan;
- D. To promote the public health, safety, and general welfare of the citizens of Lacey without preventing the reasonable development of land;
- E. To preserve and enhance the city's physical and aesthetic character by preventing indiscriminate removal or destruction of trees and ground cover and to insure the protection of trees chosen to remain during construction;
- F. To minimize surface water and ground water runoff and diversion and to prevent erosion and reduce the risk of slides;
- G. To retain and utilize trees to assist in site planning, considering the abatement of noise, visual screening, protection from wind, and other site design issues;
- H. To acknowledge that trees and ground cover have significant environmental and quality of life benefits as identified in Lacey's Urban Forest Management Plan, such as the production of pure oxygen from carbon dioxide, the reduction of air pollution, help in providing clean water, control of soil erosion, use in design for energy efficiency and temperature control, noise attenuation, and wildlife habitat;
- I. To promote building and site planning practices that are consistent with the city's natural topography, soils, and vegetation features. At the same time certain factors may require the removal of certain trees and ground cover for things such as, but not limited to disease, danger of falling, proximity to existing and proposed structures and improvements, interference with utility services, protection of scenic views, protection of solar access and the realization of a reasonable enjoyment of property;
- J. To insure prompt development, restoration, replanting, and effective erosion control of property after land clearing;
- K. To reduce water pollution from siltation in the city's streams and lakes;

- L. To implement the goals and objectives of the Washington State Environmental Policy Act;
- M. To implement and further the City's Comprehensive Land Use Plan and its Environmental Protection and Resource Conservation Element;
- N. To encourage protection of wildlife and/or wildlife habitat whenever possible. (Ord. 1269 §4, 2006; Ord. 904, 1991; Ord. 650 §1, 1982; Ord. 399 §1 (part), 1975).

14.32.030 Definitions.

- A. "Brushing" means the practice of removing ground cover to create better visibility on a property for purposes such as marketing or surveying of said property.
- B. "Caliper" is the standard for trunk measurement of nursery stock. Caliper of the trunk shall be the trunk diameter measured six inches above the ground for up to, and including, four-inch caliper size and twelve inches above the ground for larger sizes.
- C. "City" means the city of Lacey, Washington.
- D. "Class IV forest practice activity" is a timber harvest, thinning or other activity as established in the Washington State Department of Natural Resources Forest Practices Regulations, whereby a property owner is allowed to harvest a limited amount of timber from their property within the city of Lacey, while still maintaining their rights to convert their property to a use inconsistent with growing timber.
- E. "DBH" is the diameter at breast height, measured four and one-half feet above the groundline on the high side of the tree.
- F. "Director" means director of community development or his/her designee.
- G. "Drip line" of a tree is located by the vertical projection of a line at the tips of the outermost branches.
- H. "Ground cover" means grass, forbs, shrubs, and trees less than four inches in diameter measured four and one-half feet above the ground level (DBH).
- I. "Hazard tree" means any tree that is dead, dying, damaged, diseased, or structurally defective, recently exposed by adjacent clearing, or some other factor that will subject the tree to failure, and the tree could reasonably reach a target, as determined by the tree protection professional.
- J. "Land clearing" means the direct and indirect removal of trees and/or ground cover from any public or private undeveloped, partially developed, or developed lot, public lands or public right-of-way. This shall also include any destructive or inappropriate activity applied to a tree that will result in its death or effectively destroy the tree's appearance and/or functionality, such as topping.
- K. "Historical tree" is a tree or group of trees designated as such by the city because of its historical value to the residents of the city.
- L. "Root protection zone" is an area around the tree to be saved equal to one foot of radius for each one inch of tree diameter measured four and one-half feet above the ground line (DBH), unless otherwise designated by the city's tree protection professional.
- M. "Site disturbance" is any action that requires a city of Lacey building permit.
- N. "Specimen tree" is a tree that is unique or rare because of its exceptional size or quality, species, or value in a particular location.

O. "Topping" is the indiscriminate placement of cuts to reduce a tree's size. Topping is not an acceptable pruning practice in the city of Lacey.

P. "Tree" means any living woody plant characterized by one main stem or trunk and many branches, and having a diameter of four inches or more measured at four and one-half feet above the ground level (DBH).

Q. "Tree protection professional" is a certified professional with academic and/or field experience that makes him or her a recognized expert in urban forestry and tree protection during development. A tree protection professional shall be a member of the Society of American Foresters (SAF), the Association of Consulting Foresters of America (ACF), the American Society of Consulting Arborists (ASCA), or the International Society of Arboriculture (ISA), and shall have specific experience with urban tree management in the state of Washington. Additionally the tree protection professional shall be an ISA Certified Arborist or an ASCA Registered Consulting Arborist with the necessary training and experience to use and apply the International Society of Arboriculture's Guide for Plant Appraisal and to professionally provide the necessary expertise relating to management of urban trees specified in this chapter.

R. "Tree tract" is a portion of land designated for the preservation and protection of existing trees or the planting of new trees to maintain tree canopy at a development site. The tree tract shall be a separate designated lot(s) shown on the plat map, binding site plan, or site plan review map, and shall be recorded with appropriate description of purposes and restrictions. Restrictions applied to the tree tract will not allow any use other than the growing of trees in the tract, and will reserve the tract for the protection and preservation of trees in perpetuity. Tree tracts can be used for other open space uses when the uses are compatible with trees and will not impact tree health. The tract will be dedicated to, and owned and maintained by, the homeowners' or lot owners' association, or comparable entity. The tract may be dedicated to the city of Lacey for maintenance if approved by the city. Creation of tree tracts to save the best trees on a site may require modifications to the street locations, lot designs and/or other features of the site plan. (Ord. 1417 §7, 2013; Ord. 1269 §5, 2006; Ord. 1269 §2, 2006 repealed 14.32.030; Ord. 1219 §1, 2004; Ord. 904, 1991; Ord. 650 §2, 1982; Ord. 399 §1 (part), 1975).

14.32.035 The city's tree protection professional.

The city shall contract with one or more professionals that qualify as a tree protection professional under the definition of this chapter. Said professional or professionals shall be responsible for providing the information and services required of a tree protection professional described herein.

Individual applicants will be responsible for payment of the costs and fees of the designated tree protection professional for projects necessitating work to be performed by the tree protection professional in accordance with Table [14T-66](#). The city shall be responsible for billing and collecting costs and fees charged to the applicant and transferring said payment to the tree protection professional unless the city has opted for some other mechanism of providing for the costs and fees, such as inclusion of such costs and fees in the schedule of application fees. (Ord. 1417 §8, 2013; Ord. 1269 §6, 2006; Ord. 1219 §2, 2004; Ord. 904, 1991; Ord. 650 §2, 1982; Ord. 399 §1 (part), 1975).

14.32.040 Permits.

No person, corporation, or other legal entity shall engage in timber harvesting or cause land clearing in the city without having complied with one of the following:

- A. Received a land clearing permit from the director;
- B. Having obtained approval of the proposed work under the processes described in LMC [14.32.050\(A\)](#);

C. Having received an exemption from the director under the provisions of LMC [14.32.050](#). In such cases an exemption notice shall be required for posting at the site. (Ord. 1269 §7, 2006; Ord. 904, 1991; Ord. 545 §1, 1979; Ord. 517 §1, 1979; Ord. 399 §1 (part), 1975).

14.32.045 Class IV forest practice applications.

A. **Urban growth area.** Properties within the urban growth area are anticipated to be available for development with urban uses within the next twenty-year period. Pursuant to RCW [76.09.070](#) lands within the urban growth area are not considered appropriate for long-term timber production and harvesting which takes a full forty-year cycle. Forest management activities shall be consistent with the city's Comprehensive Land Use Plan and implementing regulations for the urban growth area. Forest management activities shall promote the goals and policies of the Lacey Urban Forest Management Plan. Forest practice applications shall meet the requirements specified in subsections B, C, D and E of this section.

B. **Conversions and timing.** Because conversion of properties within the urban growth area can reasonably be expected, significant land clearing of such properties shall only take place at the time of a valid land use application. Tree tracts, open spaces and buffers can then be properly coordinated with the actual development plans.

To further the purposes, goals, and policies of the Urban Forest Management Plan, timber harvesting and conversion of forested lands within the urban growth area shall not be permitted until such time as a valid land use application for development is made; provided, however, requests may be made for maintenance and thinning of existing timber stands to promote the overall health and growth of the stand until said stand is converted and harvested pursuant to plans provided within a valid land use permit.

C. **Maintenance and thinning.** Class IV forest practice applications and applications for maintenance and thinning shall be reviewed by the city's tree protection professional who shall make recommendations on the request to the land clearing committee. Recommendations shall ensure that action shall improve the health and growth of the stand and preserve long-term tree protection alternatives to meet the goals of this chapter.

D. **Selective thinning limited.** Thinning activities shall be strictly limited to less than thirty-five percent of the volume every ten years. High grading or top-down thinning shall not be permitted. The remaining stand of trees should be healthy, long-term trees from the dominant and co-dominant crown classes. The stand shall be marked prior to the selective thinning operation, indicating which trees will be removed and saved.

E. **Processing of applications.** Class IV forest practice applications shall be processed concurrently with, and using the same process as, the underlying land use application. Should there be no underlying land use application, the Class IV forest practice application shall be processed in accordance with the full administrative review procedures in Chapter 1 of the City of Lacey Development Guidelines and Public Works Standards. (Ord. 1417 §9, 2013; Ord. 1269 §8, 2006; Ord. 904, 1991).

14.32.050 Exemptions.

The following shall be exempt from land clearing permit requirements of this chapter but shall satisfy all standards and requirements of LMC [14.32.065](#) and other sections as noted below:

A. **Coordination with land use applications.** Projects requiring approval of the city of Lacey site plan review committee under Chapter [16.84](#) LMC, or projects requiring review by the hearings examiner or city council; provided, that land clearing on such projects shall take place only after approval and shall be in accordance with such approval and the standards of this chapter including the information requirements and standards of LMC [14.32.060](#).

B. **Hazard trees.** Removal of hazard trees in emergency situations involving immediate danger to life or property as determined by the city's tree protection professional.

C. **Unhealthy trees and groundcovers.** Removal of obviously dead or diseased trees or ground cover which may be a fire hazard as determined by the city's tree protection professional.

D. **Individual lot exemption.** Removal of no more than five trees in any thirty-six consecutive months or ground cover for the purposes of solar access, general property and utility maintenance, landscaping or gardening, provided a minimum tree threshold is maintained pursuant to LMC [14.32.066](#), and provided further this exemption does not apply to historical trees or trees and ground cover in an area designated as environmentally sensitive. An exemption must be issued by the city of Lacey prior to the removal of trees under this exemption provision.

E. **Building footprint.** Removal of trees and ground cover within a maximum of ten feet (when required for construction) of the perimeter of the building line and any area proposed to be cleared for driveway, septic, sewer and water purposes, of a single-family or duplex dwelling to be constructed as indicated on the plot plan submitted to the building official with an application for a building permit; provided, however, the director may require minor modifications in siting and placement of driveways, utilities and septic tank drain field systems and sewer and water lines where such modifications will promote the goals of the chapter and still satisfy the need and function of improvements.

F. **Clear vision.** Removal of obstructions required by the vision clearance at intersections regulations of Chapter Four of the Development Guidelines and Public Works Standards. (Ord. 1417 §10, 2013; Ord. 1269 §9, 2006; Ord. 904, 1991; Ord. 650 §4, 1982; Ord. 399 §1 (part), 1975).

14.32.060 Application for permits.

A. **Pre-submission conference.** Prior to application for land use permits and actions such as a land division, commercial site plan review (SPR), or a conditional use permit (CUP), a pre-submission conference shall be required consistent with the requirements of chapter one of the Development Guidelines and Public Works Standards. The pre-submission conference is designed to review the proposed action and identify permit requirements and issues an applicant may incur if the project is implemented. As part of this review it should be made clear that the city of Lacey has an Urban Forest Management Plan and tree protection regulations that require early consideration of tree protection options, and that urban forest concepts and strategies shall be part of the early design considerations for new projects. Location and design of major infrastructure, buildings, and planned uses must consider the tree protection opportunities to further the purposes of the Urban Forest Management Plan.

B. **Applicable requirements.** An application for a land clearing permit or information required by this chapter shall be submitted at the same time as a valid land use application or building permit on a form provided by the city and shall be accompanied by such of the following documents and information as are determined to be necessary by the director:

1. **Site Plan.** Copies of the site plan, pursuant to requirements of chapter one of the Development Guidelines and Public Works Standards, which shall include the following information:

- a. Name, address, and telephone number of the applicant and owner of property;
- b. Legal description of property;
- c. Date, north arrow, and adequate scale, as determined by the director, on the map or plot plan;

- b. Topography map showing contours at not greater than ten foot intervals of proposed clearing projects within areas of steep slopes, creeks and shorelines;
- c. Location of proposed improvements, including, but not limited to, structures, roads, driveways, utilities, and storm drainage facilities. Said improvement locations shall also be staked on site to enable the city's tree protection professional and other city staff to review improvement locations and their relationship to the site and existing vegetation;
- a. Approximate and general location, type, size and condition of trees and ground cover and a general identification of trees and ground cover which are to be removed.

2. **Tree protection professional report.** On forested property greater in size than one acre or commercial property with one or more trees, or other sites the city deems it necessary because of special circumstances or complexity, the city's tree protection professional shall review the site and provide a report analyzing the site for tree protection consistent with the requirements of this chapter. The report should provide information important to urban forest management and options for consideration when developing preliminary designs. The report should suggest options for design to best achieve the purposes of the Urban Forest Management Plan and this chapter. The report shall include but shall not be limited to:

- a. Information required under subsections (B)(1) through (7) of this section;
- b. An analysis of technical information requested by the review body related to trees and forest practices;
 - a. Analysis of what portion of the site is best for designation of the tree tract if required, considering the intent of this chapter, soil type, topography, tree species, health of trees and reasonable project design limitations;
 - b. Recommendations for saving of individual tree specimens based upon the intent of this chapter, soil type, topography, tree species, health of trees, and reasonable project design limitations;
 - c. A plan for protection of trees to be saved during construction including placement of construction fences, monitoring of construction activity and other measures necessary to ensure adequate tree protection;
 - d. Consideration of the location of roads, other infrastructure, and buildings and potential options for alternative locations, if applicable, to best satisfy the purposes of the Urban Forest Management Plan;
 - e. A timeline for tree protection activity;
 - f. The final tree protection plan should be prepared on the site grading plan. All tree protection fences, trees to be saved, and trees to be removed should also be shown on the site demolition plan. Necessary save tree pruning and selective thinning within tree tracts shall be detailed and trees marked as such. The tree protection plan and demolition plan should be part of the submittal to the city of Lacey and shall be approved by the tree protection professional. The tree protection plan shall be part of the contractor bid package and a copy of the tree protection plan shall be available to the contractors on site at all times during logging, clearing, and construction.

3. **Schedule.** A proposed time schedule for land clearing, land restoration, implementation of erosion control and any excavation or construction of improvements.
4. **Strategy for control.** A statement indicating the method to be followed in erosion control and restoration of land during and immediately following land clearing.
5. **Landscape plan.** Proposed landscape plan or written or graphic description of proposed action.
6. **Areas of saved trees.** Location of tree tracts, proposed buffers, open space, and other areas of the site where stands of trees are to be saved.
7. **Revegetation.** If the option for revegetation of the site or a portion of the site is proposed under LMC [14.32.069](#), information requirements described under LMC [14.32.069](#) shall be required at the time of application.

C. **Review body.** Review shall take place as part of the underlying permit review process. The review body (site plan review committee, hearing examiner, or city council) shall review the application and make a decision in accordance with review requirements of the underlying permit.

D. **Expiration.** Any permit granted hereunder shall run with the underlying permit or shall expire eighteen months from the date of issuance. Upon a showing of good cause, a permit may be extended by the director for one six month period. The permit may be suspended or revoked by the director because of incorrect information supplied or any violation of the provisions of this chapter. Minor amendments of a permit may be granted by the director. Major amendments may be accomplished only by making a new application and proceeding through the requirements of this chapter and chapter one of the City of Lacey Development Guidelines and Public Works Standards. Major alterations are changes that alter the intent of the original decision. What constitutes a minor or major amendment shall be left up to the discretion of the director who may consult the review body for guidance.

E. **Permit notice posted.** No work shall commence until a permit notice has been posted on the subject site in a conspicuous location. The notice shall remain posted until the project has been completed.

F. **Pre-construction conference.** Prior to the start of logging and land clearing activity, a preconstruction conference shall be held with the city tree protection professional to insure the contractors understand the necessary tree protection measures prescribed in the tree protection plan and that all required tree protection fences and other required tree protection activity is completed prior to the start of site work. (Ord. 1269 §10, 2006; Ord. 1269 §2, 2006 repealed 14.32.060; Ord. 1192 §53, 2002; Ord. 904, 1991; Ord. 650 §5, 1982; Ord. 399 §1 (part), 1975).

14.32.062 Repealed

(Ord. 1192 §54, 2002; Ord. 666 §39, 1982).

14.32.063 Conformance to standards.

All land clearing shall conform to the following standards and provisions unless otherwise recommended in a forest management plan, prepared by the city's tree protection professional and approved by the city, where the alternate procedures will be equal or superior in achieving the policies of this code. In addition, the following minimum standards and provisions shall be the governing criteria for the issuance or denial of land clearing permits under this chapter:

A. **Tree tract.** Land clearing shall meet requirements for tree tracts as specified in LMC [14.32.064](#).

- B. **Soil stability.** The clearing will not create or contribute to landslides, accelerated soil creep, settlement and subsidence or hazards associated with strong ground motion and soil liquefaction.
- C. **Preservation.** The proposal shall contain reasonable provisions for the preservation of natural topography, water features, vegetation, drainage and other existing natural features on the site.
- D. **Runoff.** The clearing will not create or contribute to flooding, erosion or increased turbidity, siltation or other forms of pollution in a watercourse.
- E. **Sensitive areas.** No ground cover or trees which are within the designated buffer area of creeks, streams, lakes and other shoreline or wetland areas shall be removed, nor shall any mechanical equipment operate in such areas; provided, that conditions deemed by the director to constitute a hazard may be removed; and provided, that a property owner shall not be prohibited from making landscaping improvements where such improvements are consistent with the aims of this chapter. The designated buffer area shall be in accordance with the city's wetland protection ordinance as hereafter amended. Buffer areas shall be consistent with best available science guidelines and recommendations from the Washington State Department of Ecology for classification, protection and designation of wetlands and wetland buffer areas.
- F. **Aesthetic character.** The clearing will be undertaken in such a manner as to preserve and enhance the city's aesthetic character. Vegetative screens or buffer strips shall be maintained or be reestablished in a timely manner with approved plantings along public rights-of-way and adjoining property boundaries.
- G. **Erosion control.** Clearing operations shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time, consistent with an anticipated build-out schedule.
- H. **Conformance with laws.** Land clearing activities shall be performed in accordance with all applicable laws, rules and regulations pertaining to air and water pollution, the Washington Forest Practices Act, and the Shoreline Master Program.
- I. **Protection of roots.** Except for the use of existing roads and constructed pathways, land clearing machinery shall be kept outside of the root protection zone of any trees designated for retention. Damaging of trees designated for retention by making cuts or fills, trenching, compacting of the soil, draining concrete rinsate, attaching wires or other devices to the trees, piling of materials, modification of drainage within the root protection zone, breaking of tree stems or branches, removal of desirable groundcovers from under tree, or otherwise damaging the roots or root zone of the tree shall be considered a violation of this chapter and shall require mitigation pursuant to the requirements of LMC [14.32.090\(C\)](#). All requirements for protection of trees and vegetation detailed in plans prepared by the city's tree protection professional or in land clearing conditions required by staff such as fencing and other protection measures shall be satisfied.
- J. **Clearing of individual lots with land division approvals prohibited.** Where a land division of property is concerned, only areas where streets and utilities are to be constructed can be cleared of trees and ground cover. No such rights-of-way clearing of trees or ground cover shall take place until preliminary short plat, preliminary plat or preliminary binding site plan approval has been granted and engineered plans for road construction have been approved by the city and said road areas have been surveyed and staked to enable city staff to confirm road locations. No tree removal or brushing shall take place on lots or in open space areas of a preliminary short plat or preliminary plat except through the provisions of LMC [14.32.069](#). Additionally, no tree removal or brushing shall take place on lots or in open space areas of a final land division except through the provisions of LMC [14.32.069](#), or on a lot by lot basis after individual building permit applications have been made and land clearing activities have been approved for said individual lots pursuant to the requirements of LMC [14.32.050](#) or [14.32.060](#).

K. **Intent.** Land clearing shall meet the intent and requirements of Lacey's Urban Forest Management Plan. (Ord. 1496 §22, 2016; Ord. 1269 §11, 2006)

14.32.064 Tree tract requirements.

Every commercial project over one acre in size, and every land division over two acres in size shall be required to designate a tree tract(s) to further the goals of the Urban Forest Management Plan for maintenance and no net loss of tree canopy in the city of Lacey.

A. **Tree tract basic standard.** The tree tract or tracts shall generally cover five percent or more of the site and shall represent the primary strategy for maintaining the tree canopy. All developing properties shall create a tree tract equal to five percent of the gross site area.

B. **Tree tract credit for required open space area.** Land divisions and most binding site plans require provision of open space as a requirement of the approval process. Up to one hundred percent of the requirement for a tree tract(s) may be satisfied in combination with the open space requirement provided the following conditions apply:

1. The open space area can function for necessary recreation activities, is located in the most strategic location of the site to provide centralized recreation functions or combined with adjacent open space identified for a public park;
2. The open space satisfies open space needs as identified in the City Comprehensive Plan for outdoor recreation;
3. The location is the best site for the tree tract(s) based upon urban forestry principles and intent of the Urban Forest Management Plan.
4. If the open space and tree tract location requirements are not compatible, the requirement for open space may be reduced to provide for the full tree tract requirement provided the following conditions apply:
 - a. There shall be adequate area set aside for tot lot and subdivision park activities to satisfy the expected needs of the subdivision residents, as determined by the city parks and recreation department director;
 - b. In no case shall the combined amount of land in the open space and tree tract(s) be less than the original open space requirement for the development.
5. Cash or like value of land area and improvements may be donated to the city in lieu of a tree tract. Any cash donated to the city shall be deposited in the city tree account. The city shall then utilize those funds for planting trees in other areas of the city. Acceptance of such a donation will be at the discretion of the site plan review committee and consistent with city policies for the provisions of establishing tree tracts.

C. **Ownership.** Tree tracts shall be held in common ownership by the homeowner's or lot owner's association or a comparable entity. Tree tracts may be deeded to the city of Lacey if approved by the city.

D. **Priority of tree types.** Trees to be protected must be healthy, windfirm, and appropriate to the site at their mature size, as identified by a qualified professional forester. In designing a development project's tree tract, the applicant shall protect the following types of trees in designated tract(s) in the following order of priority, unless Endangered Species Act-listed species in accordance with LMC [14.33.117](#) are present:

1. **Historical trees.** Trees designated as historical trees under LMC [14.32.072](#).

2. **Specimen trees.** Unusual, rare, or high quality trees.
3. **Critical area buffer.** Trees located adjacent to critical area buffers.
4. **Significant wildlife habitat.** Trees located within or buffering significant wildlife habitat.
5. **Other high quality.** Individual trees or groves of trees. (Ord. 1496 §23, 2016: Ord. 1417 §11, 2013: Ord. 1269 §12, 2006).

14.32.065 Tree replacement in tree tracts.

Tree replacement is required where no trees exist in the tree tract, where tree canopy coverage in the tree tract is less than one hundred percent, where unhealthy, unsuitable, or hazardous trees occur within the tree tract, where gaps in the stand require replanting, or where underplanting is necessary for future stand replacement. The tree tract shall be replanted to achieve ninety percent canopy coverage within fifteen years. Replacement trees will be a minimum of 1.5 inch caliper for deciduous species and 6-7 foot tall for conifers unless otherwise recommended by the city tree protection professional. Conifers will be native to the Pacific Northwest. Deciduous tree species will be compatible with the other trees in the tract, and will provide wildlife, aesthetic, and other amenities to the tract. (Ord. 1269 §13, 2006; Ord. 1269 §2, 2006 repealed 14.32.065; Ord. 904, 1991).

14.32.066 Tree replacement and establishment of new trees on lots.

Tree planting is required on all newly developed single and multi-family residential, commercial, and industrial lots, and all properties on which a class IV forest practice occurs. A minimum tree threshold, according to the provisions of this section, is required on all developed lots where tree removal or other site disturbance is proposed.

When trees are planted on individual lots the species shall be appropriate for the size of the lot and the space planted pursuant to guidance provided in the Urban Forest Management Plan and, if applicable, as provided on approved revegetation or landscaping plans developed for the land division.

The following table provides a summary of the required minimum tree requirements and replacement for developed and developing properties. (See [Table 14T-18](#)).

TABLE 14T-18

Type of Development	Lot Size	Required New or Saved Trees	Tree Size **
Developing Single- and Multifamily Lots	Less than 3,500 ft ²	2	2.0" Caliper measured 6" above the base Deciduous 7' Tall Conifers
	3,500 ft ² to 4,999 ft ²	3	2.0" Caliper measured 6" above the base Deciduous 7' Tall Conifers
	5,000 ft ² to 6,499 ft ²	4	2.0" Caliper measured 6" above the base Deciduous 7' Tall Conifers

Type of Development	Lot Size	Required New or Saved Trees	Tree Size **
	6,500 ft ² to 7,499 ft ²	5	2.0" Caliper measured 6" above the base Deciduous 7' Tall Conifers
	7, 500 ft ² or over	4 trees per 5,000 ft ²	2.0" Caliper measured 6" above the base Deciduous 7' Tall Conifers
Developed Single-Family and Multifamily Lots	All***	4 trees per 5,000 ft ² *	2.0" Caliper measured 6" above the base Deciduous 7' Tall Conifers
Developing Commercial or Industrial	All	2 Trees per 10,000 ft ² *	2.0" Caliper measured 6" above the base Deciduous 7' Tall Conifers
Developed Commercial/Industrial/Multifamily Proposing an Addition, Tree Removal, or Other Site Disturbance	All	2 Trees per 10,000 ft ²	2.0" Caliper measured 6" above the base Deciduous 7' Tall Conifers
Class IV Forest Practice Activity	All	Replanting required when average stocking (basal area) falls below 80 ft ² per acre – Tree spacing required is 10 ft on center	Seedlings or transplants 1+1, 2-0, 2-1, P+1, or 1-2

* In addition to all tree tract requirements and landscape ordinance requirements.

** Tree species will be selected from the general tree list in the Lacey Urban Forest Management Plan.

*** Developed single-family lots seven thousand five hundred square feet or larger proposing tree removal in accordance with LMC [14.32.050\(D\)](#), that do not currently meet the required tree density of four trees per five thousand square feet, shall be required to replant the number of trees equal to the number removed.

A. **Replacement tree location.** The applicant's proposed location of transplanted or replacement trees shall be subject to city approval as part of the tree plan. Replacement trees should be planted according to the following priority:

1. **On-Site.**
2. **Off-site.** When space is unavailable for planting the required trees on-site, then they may be planted at another approved location within the city of Lacey or Lacey's growth area.

B. **City tree account.** When on-site and off-site locations are unavailable, the applicant shall pay an amount of money equal to the replacement cost of the replacement trees into the city's tree account. The replacement cost is the retail cost of the tree plus all cost of planting and maintenance for three years.

C. **Tree replacement.** Replacement trees shall meet the required quality and priority. On sites where there are currently inadequate numbers of existing trees, or where the trees are inappropriate for protection as determined by the tree protection professional, then replacement tree planting shall be required. In designing a development project and in meeting the required tree stocking the following trees shall be planted in the following order of priority:

1. **Buffers.** Trees in or adjacent to critical area and/or significant wildlife habitat.
2. **Tree tracts.** Trees to replace unhealthy or unsuitable trees for tree tracts with no trees or inadequate numbers of trees.
3. **Landscaping.** Trees required to be protected or planted as a requirement of this chapter are in addition to any required to be planted by the Landscaping Ordinance Chapter [16.80](#) LMC. Protected trees within any required landscaping area can be used to satisfy the required spacing in the landscaping requirements. For residential subdivisions this may include entrance landscaping, traffic islands, separate deeded tree tracts, and other common areas.

D. **Replacement tree quality.** Replacement trees shall meet the quality, caliper, and root-ball size standards delineated in the Urban Forestry Management Plan and the current edition of the American Standard for Nursery Stock (ANSI Z60.1). Trees shall be healthy and free of damage, insects, and disease, be well-branched and show evidence of cultural care in the nursery to create quality trees.

E. **Replacement tree planting standards.** Trees shall be planted pursuant to the industry planting standards delineated in the Urban Forestry Management Plan. (Ord. 1496 §111 (part), 2016; Ord. 1417 §13 (part), 2013; Ord. 1269 §14, 2006).

14.32.067 Street tree requirements.

Street trees are required on all public streets within all new developments. The species of tree shall be selected from the street tree list or the general tree list in the Lacey Urban Forest Management Plan. The required tree spacing depends on the expected tree size at age thirty. Landscape trees are required in all alleys. Street trees can be counted towards tree replacement requirements for individual lots. (Ord. 1269 §15, 2006; Ord. 1269 §2, 2006 repealed 14.32.067; Ord. 904, 1991).

14.32.068 Solar access considerations.

While trees have long been used to complement solar planning and site design such as providing deciduous trees in strategic locations to cool areas in summer and providing solar access in winter, providing of adequate solar access may sometimes conflict with protection of existing trees, particularly conifers. When established city goals designed for different purposes conflict, balancing of different community and individual needs must be accomplished. In implementing the goals of this chapter, the review body shall give due consideration to valid solar access needs together with any specific solar access policies that may hereafter be adopted. (Ord. 1496 §24, 2016; Ord. 1269 §16, 2006).

14.32.069 Revegetation option.

Based upon recommendations in a report by the city's tree protection professional, removal of areas of vegetation that might normally be saved may be permitted if extensive revegetation is accomplished and standards for tree tract(s) are satisfied pursuant to the requirements of LMC [14.32.064](#) and [14.32.065](#). Such alternatives may be desirable for sites with significant physical limitations such as topography, soil type or

proposed small lot sizes (less than sixty-five hundred square feet). Additionally, limitations of existing trees such as unsuitable species or poor health of a particular tree stand may make such options desirable.

On a site with documented special circumstances, an alternative allowing removal of vegetation normally saved may be approved with a comprehensive revegetation plan developed by the city's tree protection professional. At a minimum, the plan shall include:

- A. **General information.** Information required under LMC [14.32.060](#).
- B. **General standards.** Consideration of the standards provided in LMC [14.32.063](#).
- C. **Justification.** An evaluation of what circumstances are present in specific areas of the site to make incorporation of topography and existing vegetation undesirable and recommendations on what areas if any can be designed to accommodate existing vegetation.
- D. **Consideration of functions and values.** Consideration of overstory and understory vegetative species to provide wildlife habitat and meet specific purposes important to the neighborhood environment and project design such as buffers, green belts, open spaces, street trees, urban beautification, solar access, and other functions and purposes deemed desirable and appropriate to the anticipated use.
- E. **Landscape plan map.** A comprehensive map showing location, number, species and size of planned vegetative improvements. The plan shall also consider the particular circumstances of the site and proposed project, and detail species selected based upon the anticipated use of the property consistent with the site's zoning designation, permitted uses, and lot size.
- F. **Timing.** A time line for completion of improvements.
- G. **Value of vegetation.** An appraisal of the value of vegetation being removed under this option. Said appraisal must be accomplished pursuant to the most recent guidelines established by the International Society of Arboriculture in its "Guide for Plant Appraisal" and be completed by the city tree protection professional.
- H. **Commensurate value replaced.** Said plan shall provide for a commensurate value of vegetation to be installed as is to be taken out under this option. Said amount shall be above and beyond what is normally required for landscaping in the projects not utilizing this option. The calculated value of the revegetation shall include only appraised value of the trees and vegetation and shall not include the applicant's administrative or labor costs, or the costs of the city's tree protection professional.
- I. **Maintenance.** A three year maintenance plan including provision for an irrigation system, weed control and a shrub and tree maintenance program.
- J. **Protection strategy for vegetation to be saved.** If any existing vegetation is to be saved, a plan shall be provided for the protection of said vegetation during construction activity, including fencing and other protective measures deemed necessary by the city's tree protection professional.
- K. **Land division elements considered.** If the project involves a land division, the landscaping plan should include a comprehensive treatment of tree tracts, open space areas, green belt areas, buffers, common areas, and street frontages (street trees and parkways). All common improvements shall be completed prior to the final land division, approval or financial security provided to the city in a form acceptable to the city in the amount of one hundred fifty percent of the estimated costs including two years maintenance and twenty percent replacement.

L. **Required consideration for clearing individual lots with land division approval.** If a developer desires to clear individual lots within the land division at the same time as road areas, this may be done if it is consistent with the approved plans and the following conditions are satisfied:

1. **Valuation of vegetation.** An average valuation of vegetation on individual lots shall be provided with a conceptual plan of typical yard landscaping of equal value. Such conceptual plan shall contain specific guidelines for revegetation of individual lots and said guidelines shall be incorporated into protective covenants and lot owner's association articles of incorporation;
2. **Financial security.** Financial security is provided to the city in a form acceptable to the city at one hundred fifty percent of the estimated costs of improvements of individual lots based upon the conceptual typical yard landscaping plan.
3. **Meets requirements.** A detail of how the revegetation plan satisfies the requirements for tree tract(s) pursuant to this chapter. (Ord. 1269 §17, 2006; Ord. 1208 §56, 2003; Ord. 904, 1991).

14.32.070 Additional considerations for commercial developments.

Commercial projects generally have different demands than residential areas. Commercial sites have parking lots to serve the traveling public, they have larger buildings, and they may have need of significant utility infrastructure to service commercial uses. While Lacey has the same goals to maintain our tree canopy and to save significant stands of trees, urban forestry requirements for commercial areas need to be crafted to acknowledge and plan for differences in site design and construction requirements. In addition to other requirements of this ordinance, commercial sites shall have emphasis on the following considerations and requirements:

- A. Early planning prior to project design shall consider the stands of trees on the site. For a land use application to be considered complete a tree inventory with consideration of urban forestry issues shall be required to be submitted with the land use application. The tree inventory and evaluation shall be utilized in the design layout of the site. Existing trees and protection opportunities shall play an important role in site design;
- B. The major strategy for tree protection on commercial sites will be designation of a tree tract(s) pursuant to the requirements of LMC [14.32.068](#). Analysis and recommendations of the tree protection professional will determine if certain individual trees should have special emphasis based upon their health and significance, individual site conditions, and retention opportunities. A review of these recommendations shall be provided in the tree protection professional's report;
- C. The selection of the location of the tree tract(s) and individual trees shall be chosen early on at the pre-submission stage, before design of the site, and it shall consider the best location of the site to address urban forestry issues. The design of the commercial site layout shall work within the framework of tree protection opportunities for designation of the tree tract and individual trees;
- D. Deciduous trees are generally encouraged for parking areas because of advantages for solar access considerations (shading in summer and solar access in winter), temperature and climate control factors (reducing temperature in parking lots in summer), pollution control advantages (broad leaves absorption of gases and removal filtering of particulate matter), and options for providing tree canopy coverage over parking sites and drive lanes. Select deciduous trees can also be chosen for root character that will not damage asphalt and parking lot overlays. For these advantages, planting of select deciduous trees will generally be a good choice to provide canopy coverage in parking lots for commercial sites over the long term. It is also important to restore some native conifers to the project site. This can occur in larger planter islands or as a backdrop to buildings or as foundation plantings to breakup concrete facades. The tree

protection professional's report shall reflect these considerations, shall indicate the best areas for removal of trees to accommodate parking needs (based upon indigenous tree areas with the least protection value) and shall recommend replacement of trees;

E. In some cases commercial sites may require extensive grading because of the nature of the topography and other development requirements. For this reason, and the emphasis on provision of a designated tree tract to achieve canopy goals, some flexibility may be permitted for grading to provide for intensive infrastructure needs of the project design. Provided, the design takes advantage of tree protection opportunities to provide an attractive, functional and unique shopping experience. This flexibility is not intended to limit creative development with the site. Where possible, commercial developments should seek to use variations in terrain to create an interesting development scheme. (Ord. 1269 §18, 2006; Ord. 1269 §2, 2006 repealed 14.32.070; Ord. 904, 1991; Ord. 399 §1 (part), 1975).

14.32.072 Historical tree(s).

A. **Purpose.** The purpose of the historical tree designation is to protect trees with a historical significance and to establish a register of these trees. Historical trees require protection due to their special value in that they are irreplaceable. They may be associated with historic figures, events, or properties; or be rare or unusual species; or they may have aesthetic value worthy of protection for the health and general welfare of the residents of this city.

Therefore, the purpose of this section is:

1. **Protection and maintenance.** To provide for the protection and proper maintenance of historical trees, to minimize disturbance to the trees, and to prevent other environmental damage from erosion or destruction of wildlife habitat;
2. **Health, safety, welfare.** To protect the health, safety and general welfare of the public;
3. **Goals and objectives.** To implement the goals and objectives of the city's Urban Forest Management Plan.

B. **Historical Tree Registration.** The city shall prepare and thereafter maintain a list of historical trees within the city limits. The inventory may include a map identifying the location of the trees and a brief narrative description of each historical tree. The historical tree inventory shall be prepared and amended at any time following the procedures established below.

1. **Nomination.** A tree may be nominated for historical tree status by the property owner, a neighborhood organization, or any person by submitting a map, a photograph, and a narrative description including the location, species, approximate age, and the characteristics on which the nomination is based;
2. **Review.** The director, upon receipt of a nomination, shall review the nomination and confer with the city tree protection professional and other city staff as may be appropriate. Notice of the nomination shall be mailed to the property owner and shall be posted by the city on the subject site for a period of ten days. The director shall inspect the tree, consider public comments, and decide in each case whether or not the tree is to be designated a historical tree. The city shall place each designated historical tree on the historical tree register. In the event the owner of the tree does not approve of its designation as a historical tree, the nomination will be disapproved;
3. **Notification of the director's decision.** Notice of the director's decision shall be mailed to the property owner and shall be posted by the city on the subject site for a period of ten days;

4. **Appeal.** Any person may appeal the director's decision to the hearing examiner;
5. **Hearing examiner.** The hearing examiner shall hold a public meeting on the appeal pursuant to the procedures specified in section 1.C.050 (Quasi-Judicial Review of Applications) of the City of Lacey Development Guidelines and Public Works Standards. The hearing examiner will make a decision which will constitute a recommendation to the city council. All recommendations of the hearing examiner will be considered by the city council at the next available council meeting;
6. **Notification of registration.** Each property owner who has one or more registered historical trees shall be notified by first class mail of the designation within thirty days of designation;
7. **Recording of historical tree covenant.** Each property owner who has one or more registered historical trees shall execute a historical tree covenant in a form agreeable to the city. The historical tree covenant shall require that the tree be maintained in a manner which is consistent with the provisions of this chapter. The historical tree covenant shall be recorded by the county auditor. Recording fees shall be paid by the applicant;
8. **Duration of covenant.** The historical tree covenant shall be effective from the date of recording until such a time that a tree removal permit has been issued by the director pursuant to this section;
9. **Education benefits.** From time to time the city may prepare public information programs on historical trees and provide qualified professional tree care advice to owners of the historical trees;

C. **Limitation on removal.** Subject to the exceptions enumerated in subsection D of this section, no person shall remove, or cause to be removed, any historical tree.

D. **Removal Procedures.** Historical trees shall not be removed except through the procedures established in this section.

1. **Permit Required.** No Historical tree shall be removed without first applying for and receiving a land clearing permit. The applicant for the permit shall be the property owner or the city. An application for a tree removal permit shall be submitted on a form provided by the city. The applicant must state the justification for removal on the tree removal application;
2. **Review.** If justification for removal is based upon health of the tree, and a visual inspection by the director cannot establish that the tree is dead, diseased, or hazardous, the applicant shall pay for the city tree protection professional to make a determination. If it is determined by the tree protection professional that the tree is dead, diseased, or otherwise hazardous and cannot be saved, the director may approve the removal. If the tree is determined to be healthy, or with treatable infestation or infection, the director may deny the permit.

If justification is due to reasons other than health of the tree, the director shall confer with other city personnel as may be appropriate in evaluating the justification and make a decision pursuant to the procedures and requirements of section 1E.030 (Limited Administrative Review of Applications) of the Development Guidelines and Public Works Standards;

3. **Notification.** If the director decides that a permit is justified, notice of the director's decision shall be mailed to the applicant, all parties of record, and posted by the city on the subject site for a period of ten days, during which no work shall commence. No work shall commence during the notice periods or when appeals are pending disposition;

4. **Appeal.** The property owner or any person residing or owning property within three hundred feet of the tree may appeal the director's decision to the hearing examiner, whether that decision is positive or negative. Appeals must be submitted in writing within ten days of the posting of the director's decision;
5. **Hearing examiner.** The hearing examiner shall hold a public meeting on the appeal pursuant to the procedures specified in section 1K.050 (Quasi-Judicial Review of Applications) of the Development Guidelines and Public Works Standards. The hearing examiner will make a decision which will constitute a recommendation to the city council. All recommendations of the hearing examiner will be considered by the city council at the next available council meeting. The city council decision shall be final. No work shall commence during the notice periods or when appeals are pending disposition;
6. **Permit for tree removal timing.** Any tree removal permit granted under this chapter shall be valid for one year. In addition to the permit, the property owner will execute a revocation of covenant in a form agreeable to the city. The revocation of covenant shall be recorded by the county auditor. Recording fees shall be paid by the property owner. (Ord. 1269 §19, 2006).

14.32.073 Financial security.

The review body may require financial security in such form and amounts as may be deemed necessary to assure that the work shall be completed in accordance with the permit. Financial security, if required, shall be furnished by the property owner, or other person or agent in control of the property at one hundred fifty percent of the estimated tree and vegetation replacement costs or appraised value. (Ord. 1269 §20, 2006)

14.32.080 Appeals.

Any decision of the city of Lacey in the administration of this chapter may be appealed in accordance with Chapter 1D of the City of Lacey Development Guidelines and Public Works Standards. (Ord. 1192 §55, 2002; Ord. 904, 1991; Ord. 399 §1 (part), 1975).

14.32.090 Violations.

A. **Violation general.** Violation of the provisions of this chapter or failure to comply with any of the requirements shall constitute a misdemeanor and such violation shall be punished as provided by LMC Title [9](#) for the commission of a misdemeanor. Each day such violation continues shall be considered a separate, distinct offense.

B. **Penalties.** Any person who commits, participates in, assists or maintains such violation may be found guilty of a separate offense and suffer the penalties as set forth in subsection A of this section.

C. **Mitigation required.** In addition to the penalties set forth in subsections A and B of this section, any violation of the provisions of this chapter shall be mitigated by comprehensive treatment of environmental impacts through revegetation of the affected site. In assessing environmental damage, the city's tree protection professional shall determine the extent and value of vegetation removed or damaged and other environmental damage inconsistent with the intent and requirements of this chapter. In assessing environmental damage, the tree protection professional shall consider what the outcome of the site should have been had the proposed project been designed around existing topography and vegetation and all appropriate vegetation saved. The tree protection professional shall use the methodology in the current edition of the International Society of Arboriculture's "Guide for Plant Appraisal" in determining the value of removed and damaged vegetation.

D. **Environmental damage reviewed.** If the violation is discovered after evidence has been removed, the city tree protection professional shall use whatever resources are immediately available to determine environmental damage which may include aerial photographs, other photographs, interviews with adjacent property owners, receipts of timber sales off the site, and any other records available that have a bearing on

the quantity and quality of vegetation removed or environmental damage sustained. The tree protection professional also may estimate the appraised value of removed vegetation at the site by analyzing the best case growing capability of the site given soil conditions, health of surrounding tree stands and type of species suspected of being removed. The determination of environmental damage made by the tree protection professional shall be given substantial weight in a court of law.

E. **Revegetation.** Once the value of the environmental damage is determined, a comprehensive plan for revegetation of the site shall be prepared by the tree protection professional considering the purposes of this chapter and the specific elements provided in LMC [14.32.069](#). The plan shall provide for a value of new vegetation commensurate with the determined value of environmental damage at the site. The violator shall be fully responsible for implementation of the plan, accomplishment of all improvements and maintenance of said improvements.

F. **City tree account.** If the cost of restoration of the site is less than the true value of environmental damage at the site, the balance shall be paid to the city tree account. The city shall then utilize those funds for planting trees in other areas of the city.

G. **Appeal.** The determination of the city tree protection professional regarding the environmental damage at the site may be appealed to the city hearings examiner pursuant to the requirements of LMC [14.32.080](#).

H. **Hearing examiner review.** In review of the tree protection professional's decision, the hearing examiner shall determine if the tree protection professional's decision accurately reflects the criteria set forth in LMC [14.32.020](#).

I. **Relevant facts.** Additionally, the city hearings examiner may consider any other facts the examiner determines are relevant to the specific situation.

J. **Reduction of monetary value.** In cases where the determined value of environmental damage far exceeds the site restoration requirements, and extenuating circumstances the examiner determines are relevant to the case are present, the hearing examiner may reduce the monetary value assigned to the environmental damage, provided the hearing examiner shall reduce the determined compensation only when all of the following criteria are demonstrated by the applicant:

1. **Professional forester or certified arborist.** A professional forester, certified arborist, or other professional who could have alerted the applicant of tree protection requirements was not involved in the action leading to the violation;
2. **Monetary gain.** The violation action was not associated with a tree harvesting operation for monetary gain;
3. **Previous record.** The applicant has no previous record of tree and vegetation protection and preservation ordinance violations.

K. **Monetary compensation.** If all of the above criteria are demonstrated, the hearing examiner may reduce the monetary compensation required. In determining the monetary compensation reduction, the hearing examiner shall consider the following factors:

1. **Person responded.** Whether the person responded to staff attempts to contact the person and cooperated with efforts to review the site and arrive at an agreement on site restoration;
2. **Due diligence.** Whether the person showed due diligence and/or substantial progress in site restoration;

3. **Code interpretation.** Whether a genuine code interpretation issue exists;

4. **Other factors.** Any other factors considered relevant to the situation by the hearings examiner.

L. **Limitation on reduction.** In fixing the amount of compensation, the hearings examiner shall not reduce the determined compensation by more than thirty percent of the true value of the environmental damage as determined by the tree protection professional; provided further, that no reduction shall be given in cases where the true value of environmental damage does not exceed the cost of restoration determined necessary by the city's tree protection professional; provided further the hearing examiner may double the monetary compensation if the violation is a repeat violation. In determining the amount of increased compensation, the examiner shall also consider the criteria of this section.

M. **Appeal of hearing examiner determination.** Appeals of violation determinations by the city hearing examiner shall be appealed to Superior Court. An appeal of the hearing examiner decision must be filed with Thurston County Superior Court within twenty calendar days from the date the hearing examiner decision was mailed to the person to whom the decision on monetary compensation was made. (Ord. 1269 §21, 2006; Ord. 935 §2 (part), 1992).

14.32.095 Requirements for foresters and contractors doing land clearing work in Lacey.

In order to assure compliance with the standards and requirements of this chapter, "Tree and Vegetation Protection/Urban Forest Management," foresters, arborists, and logging and land clearing contractors or others involved in land clearing operations in the city of Lacey shall be required to sign and submit a "Statement of Tree and Vegetation Protection Acknowledgment" to the city of Lacey. This statement shall attest such forester's or contractor's knowledge of the city of Lacey's tree and vegetation protection requirements. This statement shall be required in conjunction with normal city licensing requirements for persons performing work in the city of Lacey. The required statement shall be in substantially the following form:

"I, _____, a duly licensed professional contractor in the State of Washington, or professional forester, hereby attest that I have read and am knowledgeable of Chapter [14.32](#), "Tree and Vegetation Protection/Urban Forest Management", of the city of Lacey.

"I further attest that, as a professional doing land clearing work in the city of Lacey, I am accountable for following the city's tree and vegetation protection and conservation requirements, including obtaining a land clearing permit or exemption prior to performing land clearing work, as defined by Chapter 14.32.030(C) of the Lacey Municipal Code, as well as following all conditions and requirements of said permit or exemption.

"I attest that if I fail to follow tree protection requirements I will be held jointly responsible with the landowner for any restitution required as a result of environmental damage determined by the city tree protection professional to be the result of improper land clearing activities at the site. This may result in claims against my bond pursuant to Section [18.27.040](#) of the Revised Code of Washington and other monetary penalties as allowed by this chapter or State law."

Private professionals involved in land clearing operations who do not provide the above statement shall be prohibited from performing land clearing services in the city of Lacey. Said professionals who do not provide this statement and perform land clearing services in the city of Lacey shall be considered in violation of this chapter and may be prosecuted under this chapter, the city's civil penalties ordinance, or as otherwise provided by law. All foresters, arborists, loggers, or other land clearing contractors involved in land clearing operations shall be jointly responsible with the landowner for any land clearing violation and restitution required at a site as a result of improper land clearing activity. (Ord. 1269 §22, 2006; Ord. 935 §2 (part), 1992).

14.32.100 Severability.

If any section, paragraph, subsection, clause or phrase of this chapter is for any reason held to be unconstitutional or invalid such decision shall not affect the validity of the remaining portions of this chapter. (Ord. 904, 1991; Ord. 399 §1 (part), 1975).



The Lacey Municipal Code is current through Ordinance 1518, passed October 12, 2017.

Disclaimer: The City Clerk's Office has the official version of the Lacey Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.ci.lacey.wa.us/>

City Telephone: (360) 438-2625

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