

PROPOSED CHANGES FOR TREE RETENTION- DRAFT _March 2007

4-4-070 LANDSCAPING:

D. GENERAL LANDSCAPE REQUIREMENTS:

1. Street Frontage Landscaping Required: On-site landscaping is generally required along all street frontages, with the exception of areas of pedestrian walkways and driveways.

2. Pervious Areas to Be Landscaped: Pervious areas, with the exception of critical areas, shall have landscape treatment as appropriate. Landscaping may include hardscape such as decorative paving, rock outcroppings, fountains, plant containers, etc.

3. Residential Rear/Side Yard/Landscaping Along Streets: When rear or side yards are along property lines abutting a street, there shall be a minimum five-foot (5') planting area in the public right-of-way. This will necessitate setting any future fencing back from the edge of the right-of-way so that the landscaping is visible from the street. Landscaping is required prior to occupancy. Maintenance of such areas shall be the responsibility of the property owner(s). The maintenance requirement may necessitate provision of a gate in the fence to access the planting area.

4. Compliance with Zone Standards Required: See specific zone requirements listed in chapter [4-2](#) RMC.

5. Parking Lot Landscaping Requirements: Parking lot landscaping requirements are listed in RMC [4-4-080](#)F7.

6. (Rep. by Ord. 5153, 9-26-2005) Protected trees shall be retained in accordance with RMC 4-4-130.

7. Use of Existing Plant Material: Existing trees and other vegetation on the site of a proposed development shall be used to augment new plantings to meet the requirements of this section. where practical if the quality is equal to or better than available nursery stock.

~~a. Existing Trees:~~ ~~When a survey of existing trees is required (see RMC 4-8-120, Submittal Requirements), the survey or inventory of trees shall include the name, size, and location of all trees greater than six inches (6") in diameter at four feet (4') above ground elevation. The boundaries and predominant species of stands of trees consisting of five (5) or more trees six inches (6") in diameter at four feet (4') above ground elevation shall be indicated thereon.~~

~~b. Trees to Be Retained:~~ ~~Trees existing on a development site that are to be retained shall be indicated on the clearing and grading plan, conceptual landscape plan, and on the detailed landscape plan. Such trees shall have the approximate drip line shown. The grading and clearing plan shall indicate methods of tree protection during construction for all trees to be retained. If grade changes appear necessary, the method of reconciling the finished elevation within the drip line shall be included. Trees retained or replaced in accordance with the minimum requirements in RMC 4-4-130 Tree Retention and Land Clearing Regulations shall not be counted toward meeting the landscaping requirements of this section.~~

8. Use of Drought-Resistant Plants: Incorporation of drought-resistant plants into the landscape is encouraged.

9. Avoidance of Hazards: All landscaping shall be planned in consideration of the public health, safety, and welfare.

a. Landscaping shall not intrude within the clear vision area at driveways and street intersections.

b. Trees planted near overhead power lines shall be species that will not eventually ~~interfere with~~grow into such lines.

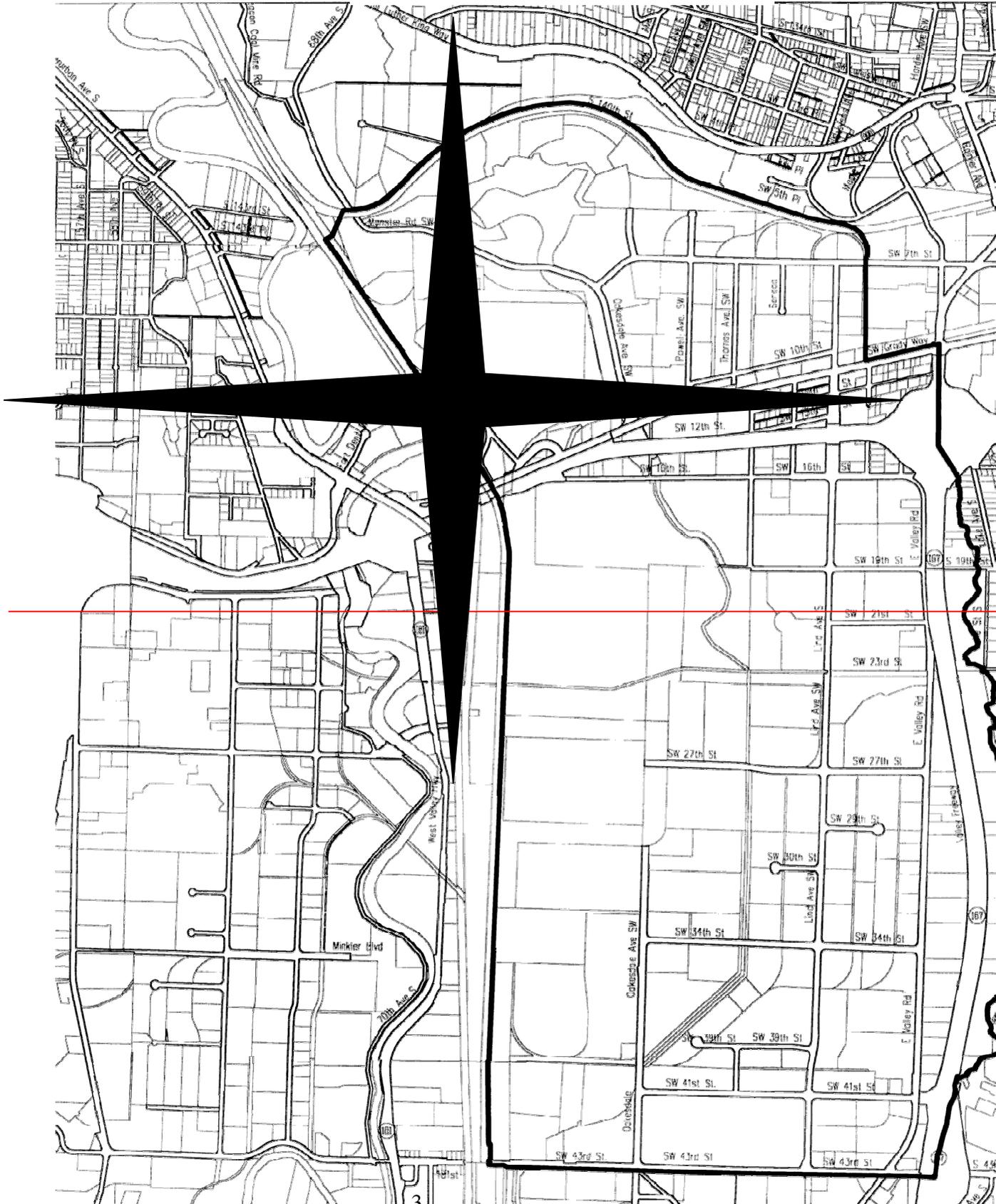
c. Landscaping shall not obscure fire hydrants or access for emergency-response vehicles.

d. Avoid planting trees that may damage sidewalks.

10. Preservation of Unique Features: ~~If practicable, unique~~Unique features within the site shall be preserved and incorporated into the site development design (such as significant vegetation and rock outcroppings).

~~**11. Green River Valley Landscaping Requirements:** Any development in the Green River Valley shall provide a minimum of two percent (2%) of the total site for landscaping suitable for wildlife habitat. These areas should not be dispersed throughout a site, but should be aggregated in one portion of the property. Where possible, the required two percent (2%) landscaping for adjacent properties should be contiguous. This landscaping is in addition to any other landscaping requirements by this Section or any other regulation. A drainage swale, planted with vegetation suitable for habitat, may be counted toward the two percent (2%) additional landscape requirement if the Reviewing Official determines that the proposed planting plan and swale design will function to meet the intent of these regulations, including, but not limited to, that the facility slope and fencing design would not inhibit wildlife use. The following map depicts the boundaries of this area:~~

GREEN RIVER VALLEY



12. Slopes: Stripping of vegetative slopes where harmful erosion and run-off will occur shall be ~~avoided~~prohibited. The faces of cut and fill slopes shall be developed and maintained to control against erosion. This control may consist of effective planting. The protection for the slopes shall be initiated upon completion of grading and fully installed within thirty (30) days of grading completion and prior to a request for final project approval. Where slopes are not subject to erosion due to the erosion-resistant character of the materials such protection may be omitted with the permission of the Public Works Department, provided that this protection is not required by the rehabilitation plan.

13. Erosion Control Devices: Where necessary, check dams, cribbing, riprap or other devices or methods shall be employed to control erosion and sediment, provide safety and control the rate of water run-off.

14. Permanent Underground Irrigation System Required:

a. Underground irrigation systems shall be installed and maintained in good working order in all landscaped areas of industrial, commercial, and multi-family development, and landscaped common areas in single family subdivisions.

b. The irrigation system shall provide full water coverage of the planted areas as specified in the plan.

c. The irrigation system maintenance program shall include scheduled procedures for winterization.

d. Exceptions: Landscape plans featuring one hundred percent (100%) drought tolerant plants or landscaping already established without irrigation systems are exempt from installation of permanent irrigation system, but drought tolerant proposals must provide supplemental moisture by means of a City-approved temporary irrigation system for a period not less than two (2) years. The applicant must provide a maintenance security device for a period of three (3) years from the date of approval of landscape installation to ensure survival of plants.

H. AMENDED LANDSCAPING PLAN:

1. Modification of Landscape Plans: In the event there are significant physical elements that are discovered after preliminary plan approval that may prevent installation of the landscaping as proposed, the landscape plan may be modified upon request to the Development Services Director. Such request must be accompanied by the following:

a. Copy of original, approved landscape plan.

b. An amendment plan meeting requirements of RMC [4-8-120D12](#), Landscape Plan, detailed.

c. Narrative describing and justifying proposed changes.

[d. Modified tree retention and land clearing plan for any protected trees proposed to be removed in accordance with RMC 4-4-130 H1e.](#)

2. Acceptability of Requested Modifications: The plans may be approved, denied or returned to the applicant with suggestions for changes that would make them acceptable.

3. Failure of Plan to Meet Intent: The Development Services Director may initiate revisions to an approved landscape plan, prior to release of ~~an assurance~~ surety device, if the installed landscaping has failed to meet the intent of City landscape requirements.

K. DAMAGED LANDSCAPING:

Upon request of the City, any landscaping required by City regulations that is damaged must be replaced with like or better landscaping as determined by the Development Services Director. See also "Specific Landscape Requirements, Trees" herein.

(Ord. 3718, 3-28-1983; Ord. 4832, 3-6-2000; Ord. 4856, 8-21-2000; Amd. Ord. 4963, 5-13-2002; Ord. 5100, 11-1-2004)

4-4-130 TREE ~~CUTTING-RETENTION~~ AND LAND CLEARING REGULATIONS:

A. PURPOSE:

This Section provides regulations for the clearing of land and the protection and preservation of trees, shrubs, and groundcover plants and associated significant vegetation. The purposes of these regulations are to:

1. Preserve and enhance the City's physical and aesthetic character by minimizing indiscriminate removal or destruction of trees, shrubs, and ground cover;
2. Implement and further the goals and policies of the City's Comprehensive Plan for the environment, open space, wildlife habitat, vegetation, resources, surface drainage, watersheds, and economics;
- ~~3. Promote building and site planning practices that are consistent with the City's natural topographical and vegetative features while at the same time recognizing that certain factors such as condition (e.g., disease, danger of falling, etc.), proximity to existing and proposed structures and improvements, interference with utility services, protection of scenic views, and the realization of a reasonable enjoyment of property may require the removal of certain trees and ground cover;~~
- ~~4. Ensure prompt development, restoration, and replanting, and effective erosion control of property during and after land clearing;~~
- ~~54. Promote land development practices that result in minimal adverse disturbance to existing vegetation and soils within the City while at the same time recognizing that certain factors such as condition (e.g., disease, danger of falling, etc.), proximity to existing and proposed structures and improvements, interference with utility services, protection of scenic views, and the realization of a reasonable enjoyment of property may require the removal of certain trees and ground cover;~~
65. Minimize surface water and groundwater runoff and diversion, and aid in the stabilization of soil, and to minimize erosion and sedimentation, and minimize the need for additional storm drainage facilities caused by the destabilization of soils;
76. Retain clusters of trees for the abatement of noise and for wind protection, and to reduce air pollution by producing pure oxygen from carbon dioxide.

~~8. Recognize that trees and ground cover reduce air pollution by producing pure oxygen from carbon dioxide.~~ (Ord. 5137, 4-25-2005)

7. Protect trees during construction activities from damage to tree roots, trunks, and branches.

8. Recognize that trees increase real estate values.

B. APPLICABILITY:

The regulations of this Section apply to any developed, partially developed or undeveloped property where land development or routine vegetation management activities are undertaken. (Ord. 5137, 4-25-2005)

C. ~~ALLOWABLE~~ ALLOWED TREE ~~CUTTING-REMOVAL~~ ACTIVITIES:

Tree ~~cutting-removal~~ and associated use of mechanical equipment is permitted as follows, except as provided in subsection D2 of this Section, Restrictions for Critical Areas, and in RMC 4-3-110E5b, Urban Separator Overlay Regulations.

1. Emergency Situations: Removal of trees and/or ground cover by the City and/or public or private utility in emergency situations involving immediate danger to life or property, substantial fire hazards, or interruption of services provided by a utility.

2. Dead, Dangerous, or Diseased Trees: Removal of dead, terminally diseased, damaged, or dangerous ground cover or trees which have been certified as such by a forester, registered landscape architect, or certified arborist, selection of whom to be approved by the City based on the type of information required, or the removal of which is approved by the City.

3. Maintenance Activities/Essential Tree Removal – Public or Private Utilities, Roads and Public Parks: Maintenance activities including routine vegetation management and essential tree removal for public and private utilities, road rights-of-way and easements, and public parks.

4. Installation of SEPA Exempt Public or Private Utilities: Installation of distribution lines by public and private utilities; provided, that such activities are categorically exempt from the provisions of the State Environmental Policy Act and RMC 4-9-070, Environmental Review Procedures.

5. Existing and Ongoing Agricultural Activities: Clearing associated with existing and ongoing agricultural activities as defined in chapter 4-11 RMC, Definitions.

6. Commercial Nurseries or Tree Farms: ~~Removal~~Clearing or cutting of only those trees which are planted and growing on the premises of a licensed retailer or wholesaler.

7. Public Road Expansion: Expansion of public roads, unless critical areas would be affected, in which case see subsections C12 and C13 of this Section.

8. Site Investigative Work: Site investigative work necessary for land use application submittals such as surveys, soil logs, percolation tests, and other related activities including the use of mechanical equipment to perform site investigative work provided the work is conducted in accordance with the following requirements:

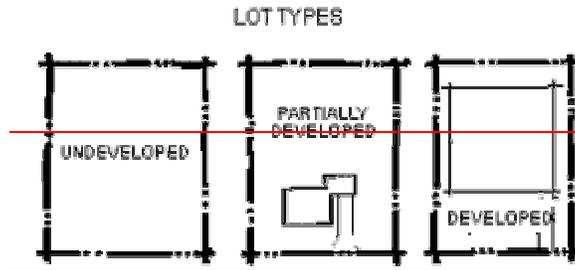
- a. Investigative work should not disturb any more than five percent (5%) of any protected sensitive area described in subsection D2 of this Section, Restrictions for Critical Areas, on the subject property. In every case, impacts shall be minimized and disturbed areas restored.
- b. In every location where site investigative work is conducted, disturbed areas shall be minimized, and immediately restored.
- c. A notice shall be posted on the site by the property owner or owner's agent indicating that site investigative work is being conducted, and that the work must minimize disturbance to the critical areas identified in subsection D2 of this Section, Restrictions for Critical Areas.
- d. No site investigative work shall commence without first notifying the Director or his or her designee in advance.

9. Allowable Minor Tree Cutting/Removal Activities: ~~Except as provided in subsection D2 of this Section, Restrictions for Critical Areas, tree removal~~Tree cutting and associated use of mechanical equipment is permitted as follows, ~~except as provided in subsection D2 of this Section, Restrictions for Critical Areas:~~

- ~~a. On a developed lot or on a partially developed lot less than one-half (1/2) of an acre, any number of trees may be removed;~~
- ~~b. On a partially developed lot greater than one-half (1/2) of an acre or on an undeveloped lot; provided, that:~~

~~ia.-~~ No more than three (3) trees are removed in any twelve (12) month period from a property under thirty five thousand (35,000) square feet in size; and

~~ii.b.~~ No more than six (6) trees are removed in any twelve (12) month period from a property thirty five thousand (35,000) square feet and greater in size.



c.iii. Rights-of-Way Unobstructed: In conducting minor tree cutting/removal activities, rights-of-way shall not be obstructed unless a right-of-way use permit is obtained -

10. Landscaping or Gardening Permitted:

~~Land clearing in conformance with the provisions of subsection C9 of this Section, Allowable Minor Tree Cutting Activities, and subsection D2, Restrictions for Critical Areas, is permitted on a developed lot for purposes of landscaping or gardening.~~ Land clearing in conformance with the provisions of subsection C9, Allowable Allowed Minor Tree Cutting/Removal Activities, and subsection D2 of this Section,

Restrictions for Critical Areas, is permitted ~~on a partially developed or undeveloped lot~~ for purposes of landscaping or gardening; provided, that no mechanical equipment is used.

11. Operational Mining/Quarrying: Land clearing and tree ~~cutting~~removal associated with previously approved, operational mining and quarrying activities.

12. Modification of Existing Utilities and Streets ~~(not otherwise exempted by RMC 4-3-050C7) by Ten Percent (10%) or Less: See RMC 4-3-050C for conditions.~~

13. Utilities, Traffic Control, Walkways, Bikeways Within Existing, Improved Right-of-Way or Easements: Within existing improved public road rights-of-way or easements, installation, construction, replacement, operation, overbuilding, or alteration of all natural gas, cable, communication, telephone and electric facilities, lines, pipes, mains, equipment or appurtenances, traffic control devices, illumination, walkways and bikeways. If activities exceed the existing improved area or the public right-of-way, this exemption does not apply. ~~Where applicable, R~~estoration of disturbed areas shall be completed. (Ord. 4851, 8-27-2000; Ord. 5132, 4-4-2005; Ord. 5137, 4-25-2005)

D. PROHIBITED ACTIVITIES:

1. Prohibited Activities: There shall be no tree ~~cutting~~removal or land clearing on any site for the sake of preparing that site for future development unless a land development permit, ~~as defined in RMC 4-8-120 D 12~~ for the site has been approved by the City.

2. Restrictions for Critical Areas – General: Unless exempted by critical areas, RMC ~~4-3-050C5~~ or Shoreline Master Program regulations, RMC ~~4-3-090~~, no tree ~~cutting~~removal, or land clearing, or groundcover management is permitted:

a. On portions of property with protected critical habitats, per RMC ~~4-3-050K~~; streams and lakes, per RMC ~~4-3-050L~~; Shorelines of the State, per RMC ~~4-3-090~~, Renton Shoreline Master Program Regulations; and wetlands, per RMC ~~4-3-050M~~; and their associated buffers;

b. On protected slopes except as allowed in this Section or in the Critical Areas Regulation, RMC ~~4-3-050~~; or

c. Areas classified as very high landslide hazards, except as allowed in this Section or in the Critical Areas Regulations, RMC ~~4-3-050~~.

~~Buffer requirements shall be consistent with the critical area regulations. Tree cutting or land clearing shall be consistent with established native growth protection area requirements of RMC 4-3-050E4.~~

3. Restrictions for Native Growth Protection Areas: Tree ~~cutting~~removal or land clearing shall ~~not be permitted within a Native Growth Protection Easement except as provided in the established native growth protection area requirements of RMC 4-3-050E4. -be consistent with established native growth protection area requirements of RMC 4-3-050E4.~~ (Ord. 5137, 4-25-2005)

E. ~~AUTHORITY AND INTERPRETATION~~REVIEW AUTHORITY:

1. Authority and Interpretation: ~~The City's Development Services Division Director/Reviewing Official, or his duly authorized representative,~~ is hereby authorized and directed to interpret and enforce all the provisions of this Section. He or she is authorized require retention above the minimum standards, to require phasing of tree retention plan, or to require any other measures to meet the purpose of this section. (Ord. 5137, 4-25-2005)

2. Independent Secondary Review: The Reviewing Official may require independent review of any land use application that involves tree removal and land clearing at the City's discretion. An evaluation by an independent qualified professional regarding the applicant's analysis on the effectiveness of any proposed removal, retention, or replacement measures, to include recommendations as appropriate. This shall be paid at the applicant's expense and the City shall select the third party review professional.

F. PERMITS REQUIRED:

1. Land Development Permit: An approved land development permit, as defined in RMC 4-8-120 D 12, is required in order to conduct tree cutting-removal or land clearing on any site for the sake of preparing that site for future development.

2. Permit Required for Routine Vegetation Management on Undeveloped Properties: Any person who performs routine vegetation management, as defined in RMC 4-11-180, on undeveloped property in the City must obtain a routine vegetation management permit prior to performing such work.

3. Permit Required to Use Mechanical Equipment: Except where use of mechanical equipment is specifically listed as exempt, any person who uses mechanical equipment for routine vegetation management, land clearing, tree cuttingremoval, landscaping, or gardening on developed, partially developed or undeveloped property must obtain a routine vegetation management permit prior to performing such work.

4. Timber Stand Maintenance – Conditional Use Permit Required: While timber harvesting shall not be permitted until such time as a valid land development is approved, a request may be made for maintenance and thinning of existing timber stands to promote the overall health and growth of the stand. Permits allowing maintenance and thinning beyond the limits allowed in subsections subsection C9 of this Section, Allowable Minor Tree Cutting Removal Activities, shall be considered as a conditional use permit by the Hearing Examiner according to the following criteria in lieu of standard conditional use permit criteria:

- a. Appropriate approvals have been sought and obtained with the State Department of Natural Resources; and
- b. The activity shall improve the health and growth of the stand and maintain long-term alternatives for preservation of trees; and
- c. The activity shall meet the provisions of subsections H2, Applicability, Performance Standards and Alternates, and H3, General Review Criteria, of this Section; and
- d. Thinning activities shall be limited to less than forty percent (40%) of the volume and trees.

5. Tree Cutting Removal – Solar Access or Pasture Land: A routine vegetation management permit is required for tree cutting-removal in greater amounts than specified under partially exempt actions in subsection C9 of this Section, Allowable Minor Tree Cutting

Removal Activities, for any property where tree cutting-removal is proposed without an associated land development permit. A routine vegetation management permit may be issued allowing tree cutting-removal only in the following cases:

- a. For purposes of allowing solar access to existing-structures solar energy panels, or to structures that specifically incorporate solar energy in to the building design; or
- b. To create pasture land where agricultural activities are permitted uses in the zone.

Any tree cutting-removal activities shall be the minimum necessary to accomplish the purpose, and shall be consistent with subsection D2 of this Section, Restrictions for Critical Areas. (Ord. 5137, 4-25-2005)

G. ROUTINE VEGETATION MANAGEMENT PERMIT REVIEW PROCESS:

Permits for routine vegetation management shall be processed consistent with RMC 4-9-195, Routine Vegetation Management Permits. (Amd. Ord. 4963, 5-13-2002; Ord. 5137, 4-25-2005)

H. PERFORMANCE STANDARDS FOR LAND DEVELOPMENT/BUILDING PERMITS:

1. Protected Trees- Retention Required: Trees shall be retained as follows:

a. Damaged and diseased trees excluded: Trees that are damaged or diseased or are safety risks due to root, trunk, or crown structure failure shall not be counted as protected trees.

b. Residential:

i. RC, R-1, R-4 and R-8 zones: Thirty percent (30%) of the trees, or a minimum of twenty five (25) trees per acre, which ever is greater, shall be retained in a residential or institutional development.

ii. All other residential zones: Ten percent (10%) of the trees, or a minimum of ten (10) trees per acre, which ever is greater, shall be retained in a residential or institutional development.

c. Industrial and Commercial: Five percent of the trees located on the lot, excluding critical areas or their buffers shall be considered protected and retained in commercial or industrial developments. Critical areas and their buffers shall be excluded from this calculation, but trees in proposed street right of ways and easements shall be counted. If the number to be retained includes a fraction of a tree, any amount equal to or greater than one-half tree (1/2) shall be rounded up;

d. Utility uses and mineral extraction uses: such operations shall be exempt from the protected tree retention requirements of this chapter if removal can be justified in writing and approved by the Reviewing Official.;

e. Replacement Requirements:

i. When the required number of protected trees cannot be retained, new trees, with a two inch (2") caliper or greater, shall be planted. The replacement rate shall be twelve (12) caliper inches of new trees to replace each protected tree removed;

ii. When a tree or tree cluster that is part of an approved tree retention plan cannot be retained, mitigation shall be required per subsection i, above.

iii. Trees used to meet these replacement requirements may not be counted toward the required landscaping requirements in RMC 4-4-070 Landscaping or RMC 4-2-110, RMC 4-2-120, or RMC 4-2-130 Zoning Standards Tables.

iv. Unless replacement trees are being used as part of an enhancement project in a critical area or buffer, they shall not consist of any species listed in RMC 4-4-130 H7d.

f. Replanting Requirements: Residential sites that can not meet the minimum requirement of 25 trees per acre, as specified in RMC 4-4-130 H1b, shall be replanted according to the replacement requirements in RMC 4-4-130 H1e

g. iii. Tree retention standards shall be applied to the net developable area. Land within critical areas and their buffers, as well as public right-of-ways, shall be excluded from the above calculation. If the number to be retained includes a fraction of a tree, any amount equal to or greater than one-half tree (1/2) shall be rounded up;

2. Plan Required: When a land development permit, as defined in RMC 4-8-120 D12, is submitted to the City it shall be accompanied by a tree cutting-removal and land clearing plan. ~~Where it is not practicable to retain all trees on site due to a proposed development, the plan shall identify those trees which are proposed for removal.~~

~~Where the drip line of a tree overlaps an area where construction activities will occur, this shall be indicated on the plan. Trees shall be shown on the plan as follows:~~

~~a. For allowed activities, including allowed exemptions, modifications, and variances, show all trees proposed to be cut in priority tree retention areas: slopes twenty five percent (25%) to thirty nine percent (39%), high or very high landslide areas, and high erosion hazard areas.~~

~~b. Show trees to be cut in protected critical areas: wetlands, Shorelines of the State, streams and lakes, floodways, floodplain slopes forty percent (40%) or greater, very high landslide hazard areas, and critical habitat if the activity is exempt or allowed by the critical areas regulations in RMC 4-3-050C5, Specific Exemptions.~~

~~c. Show all trees to be retained in critical area buffers.~~

~~d. Show trees proposed to be cut within required zoning setbacks along perimeter of development.~~

~~e. In all other areas of the site, trees to be cut may be indicated generally with clearing limit lines. (Amd. Ord. 4963, 5-13-2002; Ord. 5137, 4-25-2005)~~

23. Applicability, Performance Standards and Alternates: All land clearing and tree cutting-removal activities shall conform to the criteria and performance standards set forth in this Section unless otherwise recommended in an approved soil engineering, engineering geology, hydrology or forest management plan and where the alternate procedures will be equal to or superior in achieving the policies of this Section. All land clearing and tree cutting-removal activities may be conditioned to ensure that the standards, criteria, and purpose of this Section are met.

34. General Review Criteria: All land clearing and tree ~~cutting~~removal activities shall comply with RMC 4-4-060 Grading, Excavation, and Mining Regulations, and shall meet the following criteria:

- a. The land clearing and tree ~~cutting~~removal will not create or ~~significantly~~ contribute to landslides, accelerated soil creep, settlement and subsidence or hazards associated with strong ground motion and soil liquefaction.
- b. The land clearing and tree ~~cutting~~removal will not create or ~~significantly~~ contribute to flooding, erosion, or increased turbidity, siltation or other form of pollution in a watercourse.
- c. Land clearing and tree ~~cutting~~removal will be conducted to maintain or provide visual screening and buffering between land uses of differing intensity, consistent with applicable landscaping and setback provisions of the Renton Municipal Code.
- d. Land clearing and tree ~~cutting~~removal shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time, consistent with an approved build-out schedule and including any necessary erosion control measures.
- e. Land clearing and tree ~~cutting~~removal shall be consistent with subsection D2 of this Section, Restrictions for Critical Areas, and RMC 4-3-050, Critical Areas Regulations.

f. Retained trees will not create or contribute to a hazardous condition as the result of blowdown, insect or pest infestation, disease, or other problems that may be created as a result of selectively removing trees and other vegetation from a lot.

~~**4. Tree Preservation:** Trees shall be maintained to the maximum extent feasible on the property where they are growing.~~

~~**a. Ability to Condition Plan:** The City may require a modification of the land clearing and tree cutting plan or the associated land development plan to ensure the retention of the maximum number of trees.~~

~~**b. Clearing— Conditions of Approval:** The Department Administrator or designee may condition a proposal to restrict clearing outside of building sites, rights-of-way, utility lines and easements, to require sequencing and phasing of construction, or other measures, consistent with the permitted density and intensity of the zone.~~

55. Timing: The City may restrict the timing of the land clearing and tree ~~cutting~~removal activities to specific dates and/or seasons when such restrictions are necessary for the public health, safety and welfare, or for the protection of the environment.

66. Restrictions for Critical Areas: See subsection D2 of this Section, Restrictions for Critical Areas – General, and RMC 4-3-050, Critical Areas Regulations.

77. Tree/Ground Cover Retention: The following measures may be used by the ~~Department Administrator or designee~~Reviewing Official in conditioning a land development permit or building permit proposal ~~per subsection H4 of this Section, Tree Preservation,~~ to comply with the general review criteria of subsection ~~H3H4~~H4:

a. Trees shall be maintained to the maximum extent feasible on the property where they are growing. The Reviewing Official may require modification of the tree retention and land clearing plan, or the associated land development permits, to ensure the retention of the maximum number of trees.

b. The City Reviewing Official may require ~~and/or allow~~ the applicant to ~~relocate or~~ replace trees, provide interim erosion control, hydroseed exposed soils, or other similar conditions which would implement the intent of this Section.

~~c. Priority shall be given to retention of trees on sensitive slopes and on lands classified as having high or very high landslide hazards, or high erosion hazards as classified in the critical areas regulations.~~

~~dc. Where feasible, trees~~ Trees that shelter interior trees or trees on abutting properties from strong winds that could otherwise cause them to blow down should be retained.

~~ed.~~ Except in critical areas or their buffers, unless enhancement activities are being performed, the removal of trees on the following list should be allowed in order to avoid invasive root systems, weak wood prone to breakage, or varieties which tend to harbor insect pests:

i. All Populus species including cottonwood (Populus trichocarpa), quaking aspen (Populus tremuloides), lombardy poplar (Populus nigra "Italica"), etc.

ii. All Alnus species which includes red alder (Alnus oregona), black alder (Alnus glutinosa), white alder (Alnus rhombifolia), etc.

iii. Salix species which includes weeping willow (Salix babylonica), etc., ~~unless along a stream bank and away from paved areas.~~

iv. All Platanus species which include London plane tree (Platanus acerifolia), American sycamore, buttonwood (Platanus occidentalis), etc.

88. Protection Measures During Construction:

~~a. **Tree Protection Measures:**~~ Protection measures in this subsections ~~H8b(i) through H8b(vi) of this Section~~ shall apply for all trees ~~which thqt~~ are to be retained in areas ~~immediately~~ subject to construction. ~~These requirements may be waived pursuant to RMC 4-9-250D, Modification Procedures, individually or severally by the City if the developer demonstrates them to be inapplicable to the specific on-site conditions or if the intent of the regulations will be implemented by another means with the same result.~~

b. Drip Line: All of the following tree protection measures shall apply:

~~ia. **Construction storage prohibited:**~~ -The applicant may not fill, excavate, stack or store any equipment, dispose of any materials, supplies or fluids, operate any equipment, install impervious surfaces, or compact the earth in any way within the area defined by the drip line of any tree to be retained.

~~ib. **Fenced protection area required:**~~ The applicant shall erect and maintain six-foot-high chainlink and maintain rope barriers, temporary construction fencing around the drip lines of all retained trees, or along the perimeter of a stand of retained trees. ~~, or place bales of hay on the drip line to protect roots. Placards shall be placed on fencing every fifty feet (50') indicating the words, "NO TRESPASSING- Protected~~

Trees” or on each side of the fencing if less than fifty feet (50’). Site access to individually protected trees or groups of trees shall be fenced and signed. Individual trees shall be fenced on four sides. In addition, the applicant shall provide supervision whenever equipment or trucks are moving near trees.

iii.c. Protection from grade changes: If the grade level adjoining to a tree to be retained is to be raised, the applicant shall construct a dry rock wall or rock well around the tree. The diameter of this wall or well must be equal to the tree’s drip line.

iv.d. Impervious surfaces prohibited within the drip line: The applicant may not install impervious surface material within the area defined by the drip line of any tree to be retained.

ve. Restrictions on grading within the drip lines of retained trees: The grade level around any tree to be retained may not be lowered within the greater of the following areas: (1) the area defined by the drip line of the tree, or (2) an area around the tree equal to one and a half feet (1 ½’) feet in diameter for each one inch of tree caliper. The Reviewing Official may require a larger tree protection zone based on tree size, species, soil, or other conditions.

vi.f. Mulch layer required: All areas within the required fencing shall be covered completely and evenly with a minimum of three inches (3”) of bark mulch prior to installation of the protective fencing. Exceptions may be approved by the Reviewing Official if the mulch will adversely affect protected groundcover plants.

g. Monitoring required during construction: The applicant shall retain a professional arborist or a other qualified professional to prune branches and roots, fertilize, and water as appropriate for any trees and ground cover which are to be retained. (Ord. 5137, 4-25-2005)

h Alternative protection: Alternative safeguards may be used if determined by the Reviewing Official to provide equal or greater tree protection.

9. Maintenance

a. All retained trees, including protected trees, shall be maintained for the life of the project;

b. All retained trees and vegetation shall be pruned and trimmed to maintain a healthy growing condition or to prevent limb failure;

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

10. Bonds/security

a. Performance bonds or other appropriate security (including letters of credit and set aside letters) shall be required for a period of three years after the planting or transplanting of vegetation to ensure proper installation, establishment, and maintenance.

b. Performance bonds or other appropriate security (including letters of credit and set aside letters) may be required if protected trees are damaged, but remain in acceptable condition, for a period of time related to the damage caused, as determined by the Reviewing Official.

I. VARIANCE PROCEDURES:

The ~~Hearing Examiner~~ Reviewing Official shall have the authority to grant variances from the provisions of this Section pursuant to RMC 4-8-070H and the decision criteria in RMC 4-9-250. (Ord. 5137, 4-25-2005)

J. VIOLATIONS AND PENALTIES:

1. Penalties: Penalties for any violation of any of the provisions of this Section shall be in accord with RMC 1-3-2. In a prosecution under this Section, each tree removed, damaged or destroyed will constitute a separate violation, and the monetary penalty for each violated ~~tree~~ ion shall be no less than the minimum penalty, and no greater than the maximum penalty of RMC 1-3-2D.

2. Additional Liability for Damage: In addition, any person who violates any provision of this Section or of a permit issued pursuant thereto shall be liable for all damages to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to such violation.

3. Restoration Required: The City may require replacement of all improperly removed ground cover with species similar to those which were removed or other approved species such that the biological and habitat values will be replaced. Restoration shall include installation and maintenance of interim and emergency erosion control measures that shall be required as determined by the City.

4. Replacement Required: The City may require, for each tree that was improperly cut and/or removed in violation of, or without, an approved tree retention and land clearing plan, replacement planting of a tree of equal size, quality and species or up to three (3) trees of the same species in the immediate vicinity of the tree(s) that was/were removed. The replacement trees will be of sufficient caliper to adequately replace the lost tree(s) ~~or, and at~~ a minimum of ~~three-two~~ inches (32") in caliper.

5. Stop Work: For any parcel on which trees and/or ground cover are improperly removed and subject to penalties under this Section, the City shall stop work on any existing permits and halt the issuance of any or all future permits or approvals until the property is fully restored in compliance with this Section and all penalties are paid. (Ord. 4219, 6-5-1989; Amd. Ord. 4835, 3-27-2000; Ord. 5137, 4-25-2005)

4-7-130 ENVIRONMENTAL CONSIDERATION – GENERAL REQUIREMENTS AND MINIMUM STANDARDS:

A PURPOSE:

It is the purpose of this Section to provide for the protection of valuable, irreplaceable environmental amenities and to make urban development as compatible as possible with the ecological balance of the area. Goals are to preserve drainage patterns, protect groundwater

supply, prevent erosion and to preserve trees and natural vegetation. This is beneficial to the City in lessening the costs of the development to the City as a whole, and to the subdivider in creating an attractive and healthy environment.

B ACTION NOT A TAKING:

No action taken herein shall constitute a taking under the laws or constitution of the State or Federal government.

C ENVIRONMENTAL CONSIDERATIONS:

A plat, short plat, subdivision or dedication shall be prepared in conformance with the following provisions:

1. Land Unsuitable for Subdivision: Land which is found to be unsuitable for subdivision includes land with features likely to be harmful to the safety and general health of the future residents (such as lands adversely affected by flooding, steep slopes, or rock formations). Land which the Department or the Hearing Examiner considers inappropriate for subdivision shall not be subdivided unless adequate safeguards are provided against these adverse conditions.
 - a. Flooding/Inundation: If any portion of the land within the boundary of a preliminary plat is subject to flooding or inundation, that portion of the subdivision must have the approval of the State according to chapter 86.16 RCW before the Department and the Hearing Examiner shall consider such subdivision.
 - b. Steep Slopes: A plat, short plat, subdivision or dedication which would result in the creation of a lot or lots that primarily have slopes forty percent (40%) or greater as measured per RMC 4-3-050J1a, without adequate area at lesser slopes upon which development may occur, shall not be approved. (Amd. Ord. 4835, 3-27-2000)
2. Native Growth Protection Area Easement and Minimum Lot Size: Native growth protection area easements may be included in the minimum lot size of lots created through the subdivision process; provided, that the area of the lot outside of the easement is sufficient to allow for adequate buildable area and yards. (Ord. 4835, 3-27-2000)
3. Land Clearing and Tree Retentions: Reasonable effort shall be made to preserve existing trees. (Amd. Ord. 4835, 3-27-2000) Shall comply with RMC 4-4-130 Tree Retention and Land Clearing.
4. Streams:
 - a. Preservation: Every reasonable effort shall be made to preserve existing streams, bodies of water, and wetland areas.
 - b. Method: If a stream passes through any of the subject property, a plan shall be presented which indicates how the stream will be preserved. The methodologies used should include an overflow area, and an attempt to minimize the disturbance of the natural channel and stream bed.

c. Culverting: The piping or tunneling of water shall be discouraged and allowed only when going under streets.

d. Clean Water: Every effort shall be made to keep all streams and bodies of water clear of debris and pollutants. (Amd. Ord. 4835, 3-27-2000)

TABLE 4-8-120 A

Line under Submittal Requirements: Tree Cutting Removal/ Inventory/ Land Clearing Plan- Approved

TABLE 4-8-120 B

Line under Submittal Requirements: Tree Cutting Removal/ Inventory/ Land Clearing Plan- Approved

TABLE 4-8-120C

Submittal Requirement- Tree Cutting Retention/Vegetation Plan

TYPE OF APPLICATION/PERMIT

- Annexation (10% Notice of Intent)
- Annexation (60% Petition)
- Appeal
- Business License for Home Occupation
- Comp. Plan Map Amendment/Rezone
- Comp. Plan Text Amendment
- Conditional Approval Permit for a Nonconforming Structure
- Conditional Approval Permit for a Nonconforming Use
- 4 Conditional Use Permit (Administrative)
- 4 Conditional Use Permit (Hearing Examiner)
- 4 Environmental Review
- Environmental Review (Nonproject)
- 4 Grade and Fill Permit (Special)
- Kennel License
- Kennel License, Hobby
- Lot Line Adjustment
- 4 Master Site Plan (Overall)
- 4 Master Site Plan (Individual Phases)
- 4 Mobile Home Park, Preliminary
- 4 Mobile Home Park, Final
- Modification/Alternate Request
- 4 Plat, Final
- 4 Plat, Preliminary/Binding Site Plan
- 4 PUD, Preliminary
- 4 PUD, Final
- Rebuild Approval Permit for a Nonconforming Structure
- Rebuild Approval Permit for a Nonconforming Use
- Rezone
- 4 Routine Vegetation Management Permit
- Shoreline Exemption
- 4 Shoreline Substantial Development Permit
- 4 Shoreline Conditional Use Permit
- 4 Shoreline Variance
- 4 Short Plat, Preliminary
- 4 Short Plat, Final/Binding Site Plan
- 4 Site Plan
- 4 Special Permit
- 4 Temporary Use Permit
- Variance
- Waiver
- 4 Critical Area Permit

7. Definitions G:

Grading Plan: A twenty two inch by thirty four inch (22" x 34") plan drawn by a State of Washington licensed landscape architect at a scale of one inch to forty feet (1" to 40') (horizontal feet) and one inch to ten feet (1" to 10') (vertical feet) (or other size plan sheet or scale approved by the Development Service Division Plan Review Supervisor) clearly indicating the following:

- a. Graphic scale and north arrow.
- b. Dimensions of all property lines, easements, and abutting streets,
- c. Location and dimension of all on-site structures and the location of any structures within fifteen feet (15') of the subject property or which may be affected by the proposed work,
- d. Accurate existing and proposed contour lines drawn a five foot (5'), or less, intervals showing existing ground and details of terrain and area drainage to include surrounding off-site contours within one hundred feet (100') of the site,
- e. Location of natural drainage system, including perennial and intermittent streams, the presence of bordering vegetation, and flood plains.
- f. Setback areas and any areas not be disturbed, including the location, size and species of all protected trees on site. Protected trees shall have the approximate drip line shown. The method of tree protection during grading and construction shall be shown. If grade changes in the vicinity of the protected trees are necessary, the method of reconciling the drop line with the finished elevation shall be included (see RMC 4-4-130 Tree Retention and Land Clearing Regulations);
- g. Finished contours drawn at five foot (5') intervals as a result of grading,
- h. Proposed drainage channels and related construction with associated underground storm lines sized and connections shown, and
- i. General notes addressing the following (may be listed on the cover sheet):
 - i. Area in square feet of the entire property.
 - ii. Area of work in square feet.
 - iii. Both the number of tons and cubic yards of soil to be added, removed, or relocated.
 - iv. Type and location of fill origin, and destination of any soil to be removed from site.
 - v. Finished floor elevation(s) of all structures, existing and proposed.

12. Definitions L:

Landscaping Plan, Conceptual: A fully dimensioned plan, prepared by a landscape architect registered in the State of Washington, a certified nurseryman, or other similarly qualified professional, drawn at the same scale as the project site plan (or other scale approved by the Reviewing Official), clearly indicating the following:

- a. Date, graphic scale, and north arrow,
- b. Location of proposed buildings, parking areas, access and existing buildings to remain,
- c. Names and locations of abutting streets and public improvements, including easements,
- d. Existing and proposed contours at five foot (5') intervals or less,
- e. Location, ~~and~~ size, and purpose of planting areas, including those required in RMC 4-4-070 Landscaping;
- f. Location and height for proposed berming,
- g. Location and elevations for any proposed landscape-related structures such as arbors, gazebos, fencing, etc., ~~and~~
- h. Location, size, spacing and names of existing and proposed shrubs, trees, ground covers, and decorative rockery or like landscape improvements in relationship to proposed and existing utilities. (Ord. 5100, 11-1-2004)
- i. The location, size and species of all protected trees on site. Protected trees shall have the approximate drip line shown (see RMC 4-4-130 Tree Retention and Land Clearing Regulations).

Landscaping Plan, Detailed: A fully dimensioned plan, prepared by a landscape architect registered in the State of Washington, a certified nurseryman, or other similarly qualified professional, drawn at the same scale as the project site plan (or other scale approved by the Reviewing Official), clearly indicating the following:

- a. Date, graphic scale, and north arrow,
- b. Location of proposed buildings, property lines, walks, parking areas, and access, and existing buildings to remain,
- c. Names and locations of abutting streets and public improvements, including easements,
- d. Existing and proposed contours at five-foot (5') intervals or less,
- e. Detailed grading plan,
- f. Location, ~~and~~ dimensions, and purpose of all planting areas (the width of a landscaping area when curbed shall be measured from inside to inside of the curbs); including those required in RMC 4-4-070 Landscaping;
- g. Location and height for proposed berming,

h. Locations, elevations, and details for any proposed landscape-related structures such as arbors, gazebos, fencing, etc.,

i. Location, size, spacing and names of existing and proposed shrubs, trees, ground covers, and decorative rockery or like landscape improvements in relationship to proposed and existing utilities,

j. The location, size and species of all protected trees on site. Protected trees shall have the approximate drip line shown (see RMC 4-4-130 Tree Retention and Land Clearing Regulations).

jk. Names of existing and proposed vegetation, and

kl. Detailed planting plan (soil mix, planting depth and width, and bark mulch depth). (Ord. 5100, 11-1-2004)

21. DEFINITIONS T

Tree ~~Cutting~~Retention/Land Clearing (Tree Inventory) Plan: A full dimensional plan, drawn by a professional arborist, landscape architect, or other similarly qualified professional, based on finished grade, drawn ~~to at the same~~ scale as the project site plan with the northern property line at the top of the paper clearly showing the following:

a. All property boundaries and adjacent streets,

b. Location of all areas proposed to be cleared,

c. ~~Types-Species~~ and sizes of vegetation to be removed, altered or retained ~~and-the boundaries and predominant species of stands of trees consisting of five (5) or more trees.~~ This requirement applies only to trees, six inch (6") caliper, "at chest level" and larger fifty-four inches (54") above grade, and the location, size and species of all protected trees on the site.

d. Future building sites and drip lines of any trees which will overhang/overlap a construction line, and

e. Location and dimensions of rights-of-way, utility lines, fire hydrants, street lighting, and easements.

f. Where the drip line of a tree overlaps an area where construction activities will occur, this shall be indicated on the plan.

g. For allowed activities, including allowed exemptions, modifications, and variances, show all trees proposed to be removed in priority tree retention areas: slopes twenty five percent (25%) to thirty nine percent (39%), high or very high landslide areas, and high erosion hazard areas.

h. Show trees to be removed in protected critical areas: wetlands, Shorelines of the State, streams and lakes, floodways, floodplain slopes forty percent (40%) or greater, very high landslide hazard areas, and critical habitat if the activity is exempt or allowed by the critical areas regulations in RMC 4-3-050C5, Specific Exemptions.

i. Show all trees to be retained in critical area buffers.

j. In all other areas of the site, trees to be removed may be indicated generally with clearing limit lines except for protected trees. The location, size, and species of all protected trees on a site shall be shown. The plan shall also show the planned replacement trees in accordance with RMC 4-4-130-H1e and any planned replanting areas in accordance with RMC 4-4-130- H1f. (Amd. Ord. 4963, 5-13-2002; Ord. 5137, 4-25-2005)

4-9-195 ROUTINE VEGETATION MANAGEMENT PERMITS:

A. PURPOSE:

This Section provides a permit process for routine vegetation management implementing the tree cutting-retention and land clearing regulations in RMC 4-4-130.

B. AUTHORITY:

The City's Development Services Division Director, or his duly authorized representative, is hereby authorized and directed to interpret and enforce all the provisions of this Section.

C. APPLICABILITY, EXEMPTIONS, AND PROHIBITED ACTIVITIES:

1. General Applicability: The regulations of this Section apply to any developed, partially developed or undeveloped property where routine vegetation management activities are undertaken.

a. Permit Required for Routine Vegetation Management on Undeveloped Properties: Any person who performs routine vegetation management on undeveloped property in the City must obtain a routine vegetation management permit prior to performing such work.

b. Permit Required to Use Mechanical Equipment: Except where use of mechanical equipment is specifically listed as exempt, any person who uses mechanical equipment for routine vegetation management, land clearing, tree cuttingremoval, landscaping, or gardening on developed, partially developed or undeveloped property must obtain a routine vegetation management permit prior to performing such work.

c. Tree CuttingRemoval – Solar Access or Pasture Land: A routine vegetation management permit is required for tree cuttingremoval in greater amounts than specified under partially exempt actions in RMC 4-4-130C2, Allowable Tree CuttingRemoval Activities, for any property where tree cuttingremoval is proposed without an associated land development permit. A routine vegetation management permit may be issued allowing tree cuttingremoval only in the following cases:

i. For purposes of allowing solar access to existing structures; or

ii. To create pasture land where agricultural activities are permitted uses in the zone.

Any tree ~~cutting~~removal activities shall be the minimum necessary to accomplish the purpose, and shall be consistent with RMC [4-4-130D2](#), Restrictions for Critical Areas.

2. Exemptions: Refer to RMC [4-4-130C](#).

3. Prohibited Activities: Refer to RMC [4-4-130D](#).

D. PROCEDURES AND REVIEW CRITERIA:

Permits for routine vegetation management shall be processed as follows:

1. Submittal: An application for a routine vegetation management permit shall be submitted to the Development Services Division together with any necessary fees as required in chapter [4-1](#) RMC.

2. Information Required: A routine vegetation management permit application shall contain the information requested in RMC [4-8-120](#), Submittal Requirements – Specific to Application Type.

3. Time: The permit shall be reviewed administratively within a reasonable period of time.

4. Routine Vegetation Management Permit Conditions: The routine vegetation management permit may be denied or conditioned by the City to restrict the timing and extent of activities in order to further the intent of this Section including:

a. Preserve and enhance the City's aesthetic character and maintain visual screening and buffering.

b. Preserve habitat to the greatest extent feasible.

c. Prevent landslides, accelerated soil creep, settlement and subsidence hazards.

d. Minimize the potential for flooding, erosion, or increased turbidity, siltation or other form of pollution in a watercourse.

e. Ensure that the proposal will be consistent with RMC [4-4-130D2](#), Restrictions for Critical Areas, and D3, Restrictions for ~~Critical Areas~~[Native Growth Protection Areas](#) – Routine Vegetation Management Permits.

[f. Ensure that protected trees are retained, consistent with RMC 4-4-130 H.](#)

5. Time Limits for Routine Vegetation Management Permits: Any permit for routine vegetation management shall be valid for one year from the date of issuance. An extension may be granted by the Development Services Division for a period of one year upon application by the property owner or manager. Application for such an extension must be made at least thirty (30) days in advance of the expiration of the original permit and shall include a statement of justification for the extension.

E. APPEALS:

Appeal of the decision to grant, grant with conditions, or deny a routine vegetation management permit shall be made consistent with RMC [4-8-110](#), Appeals.

F. VIOLATIONS AND PENALTIES:

Unless otherwise specified, violations of this Section are misdemeanors subject to RMC [1-3-1](#). (Ord. 4963, 5-13-2002; Ord. 5159, 10-17-2005)

4-11-210 DEFINITIONS T

TREE: ~~Any living woody plant characterized by one main stem or trunk and many branches and having a caliper of six inches (6") or greater, or a multi-stemmed trunk system with a definitely formed crown. A self-supporting woody plant characterized by one main trunk or, for certain species, multiple trunks, with a potential minimum trunk diameter at maturity of two inches (2") and a potential minimum height of ten feet (10').~~

TREE CUTTINGREMOVAL: The actual removal of the above ground plant material of a tree through chemical, manual or mechanical methods.