



**ECONOMIC DEVELOPMENT,
NEIGHBORHOODS, AND STRATEGIC
PLANNING DEPARTMENT**

M E M O R A N D U M

DATE: January 11, 2006
TO: Planning Commission
FROM: Erika Conkling, Associate Planner
SUBJECT: **Zoning text amendment to improve tree retention**

ISSUE:

- 1) What are the current requirements for tree retention in the City of Renton?
- 2) Do the tree retention requirements comply with the Comprehensive Plan?
- 3) Are the tree retention requirements consistent with the City of Renton Business Plan Goals for 2006-2011?

RECOMMENDATION

Staff recommends adopting amendments that would require tree retention from virtually all development. Developed lots less than 10,000 square feet should be exempt from tree retention requirements, but all other lots would need to comply in order to obtain a land use development permit. Tree retention would be focused on "protected trees", which excludes very small trees, common nuisance trees, and trees that are diseased or damaged.

BACKGROUND SUMMARY

Tree retention is not mandated in Renton's current development regulations. In fact, the section of code that addresses the issue is aptly titled "Tree Cutting and Land Clearing." Tree retention can be required at the discretion of the reviewing official. Trees are really only required to be retained in critical areas. In the pre Growth Management era, this seemed adequate, however, now the City is required to accept its fair share of regional growth. As development continues in Renton and surrounding communities, trees and green open spaces have been squeezed out. In most cases, developers find it easier to completely clear a parcel and retain no trees. As a result, there is very little tree canopy in areas of development.

Tree retention is important for a number of reasons. Trees are part of a natural drainage system that allows for ground water recharge and prevents excessive erosion. Developed

areas near stands of retained vegetation have fewer storm water concerns because of the intact natural drainage system in such areas. Stands of trees are natural buffers against noise, hot summer sun, and cold winter wind. Trees naturally reduce pollution and provide clean oxygen through the process of transpiration. They also provide habitat and are aesthetically pleasing.

As a matter of policy, Renton supports the retention of trees. Comprehensive Plan objective CD-J and Policy CD-45 stress the importance of retaining existing vegetation as part of a citywide landscaping plan. Objective EN-F and Policies EN-24 and 25 discuss the importance of maintaining natural areas to assist with storm water control. The City's 2006-2011 Business Plan Goals similarly state that in order to fulfill its goal to "manage growth through sound urban planning" the City should "uphold a high standard of design and property maintenance throughout the City." Tree retention fits neatly into the policies Renton has adopted to guide the City.

Staff examined several different tree retention policies. While the City has broad policies supporting tree retention, and a broad authority supporting administrative interpretation of the retention in code, specific implementation and standards are lacking. The proposed draft would regulate the retention of trees that meet certain criteria: greater than eight inches (8") in diameter and in good health. Trees meeting these criteria would be defined as a "protected tree". Certain types of trees already established in the code as priority species to be removed would not be regulated. In addition to requiring the retention of protected trees in critical areas, the proposed code change would require retention of protected trees in any required perimeter landscape areas. Retention of protected trees in the interior of the lot would be required at 25% for residential developments and 5% for commercial and industrial developments.

While 25% retention may seem high, there would be a lot of flexibility in how trees were retained. A system of tree retention credits would provide double credit for trees retained in clusters or near critical area buffers. This provides incentives to retain trees in natural stands that provide the most benefit and better protect the trees from being blown down, root damage, and other problems. Developers could potentially opt out of tree retention completely, but to do so they would be required to plant replacement trees of at least a three-inch (3") diameter. The replacement ratio would be a one-to-one ratio, so a 24-inch diameter tree would require replacement with eight (8) three-inch (3") trees. Retention of trees spares the developer significant replanting costs.

Existing policies provide an exemption from permits for parcels less than one-half acre. Staff recommends that this threshold be lowered to 10,000-square foot lots. Developed lots less than 10,000 square feet in size would be exempt from tree retention requirements, unless they contain trees retained as part of a tree retention plan agreed to during platting. This would exempt nearly all existing homeowners from the retention requirements. In the future, however, homeowners in a plat subject to a tree retention plan would be required to replace any retained trees removed from their property. Undeveloped and partially developed lots up to one acre in size would be limited to removal of three trees per year without complying with tree retention requirements, and lots over an acre would be limited to removal of six trees.

The attached exhibits demonstrate how the retention requirements would affect a proposed subdivision currently being processed.

Exhibit 1- Tree Inventory Plan from a 60-lot subdivision. This shows all trees greater than six inches (6") in diameter. The subdivision is located in an area in which the zoning is split between R-8 and R-10.

Exhibit 2- Shows the clearing line for the subdivision. All trees within the outlined area are to be removed. Trees within the property lines, but outside of the clearing area are required to be retained under current standards because they are within a critical area or critical area buffer. These areas are set aside as native growth protection areas. Within the clearing line are 387 trees with a diameter of eight inches (8") or greater. If the proposed definition of protected tree excludes certain problematic species, the total number of protected trees within the clearing line is 221 trees. Under the proposed regulations, the developer would need to achieve credit for retaining 45 trees.

Exhibit 3- Under the proposed regulations, trees retained within 25 feet (25') of the critical area buffer count as double credit. Since trees within the critical area and buffer are required for retention, this credit helps preserve larger stands of trees in a more natural condition. The developer would only need to retain 23 trees within 25' of the buffer to obtain full retention credit. This could be easily accomplished with only minimal changes to the lot configuration.

Exhibit 4- Retaining the protected trees in the open space would yield two retention credits.

Exhibit 5- There is a forested stand in the southeast (upper right hand corner) of the property. The plan shows up to 63 tree credits in this area. Since only trees greater than 6" are shown, there may be additional credit for clusters of trees with at least a 3" diameter. If the developer shows these clusters on the tree inventory plan, three smaller trees in a cluster qualify as one tree credit. Reconfiguration of the lots and cul-de-sac, with the potential loss of one or two lots, could yield a large number of retention credits.

Exhibit 6 (not shown) - The developer could still remove all trees within the clearing line under the proposed regulations. However, in this scenario the developer would need to plant a minimum of 115 three-inch diameter (3") trees to replace those that were removed. This assumes a one-to-one replacement ratio (each inch of existing tree diameter removed replaced with one inch diameter of new tree) of the required 25% retention rate.

CONCLUSION

Given the current rate of development, much of the existing tree canopy in the City of Renton will be lost unless there are regulations in place for tree retention. Tree retention may reduce the number of lots that can be obtained from a piece of land, but proposed regulations are flexible enough to allow a variety of options.

NO.	REVISION	BY	DATE	APPR

DESIGNED	RUC	1"=40'
CHECKED	WPH	DATE
APPROVED	RUC	BY

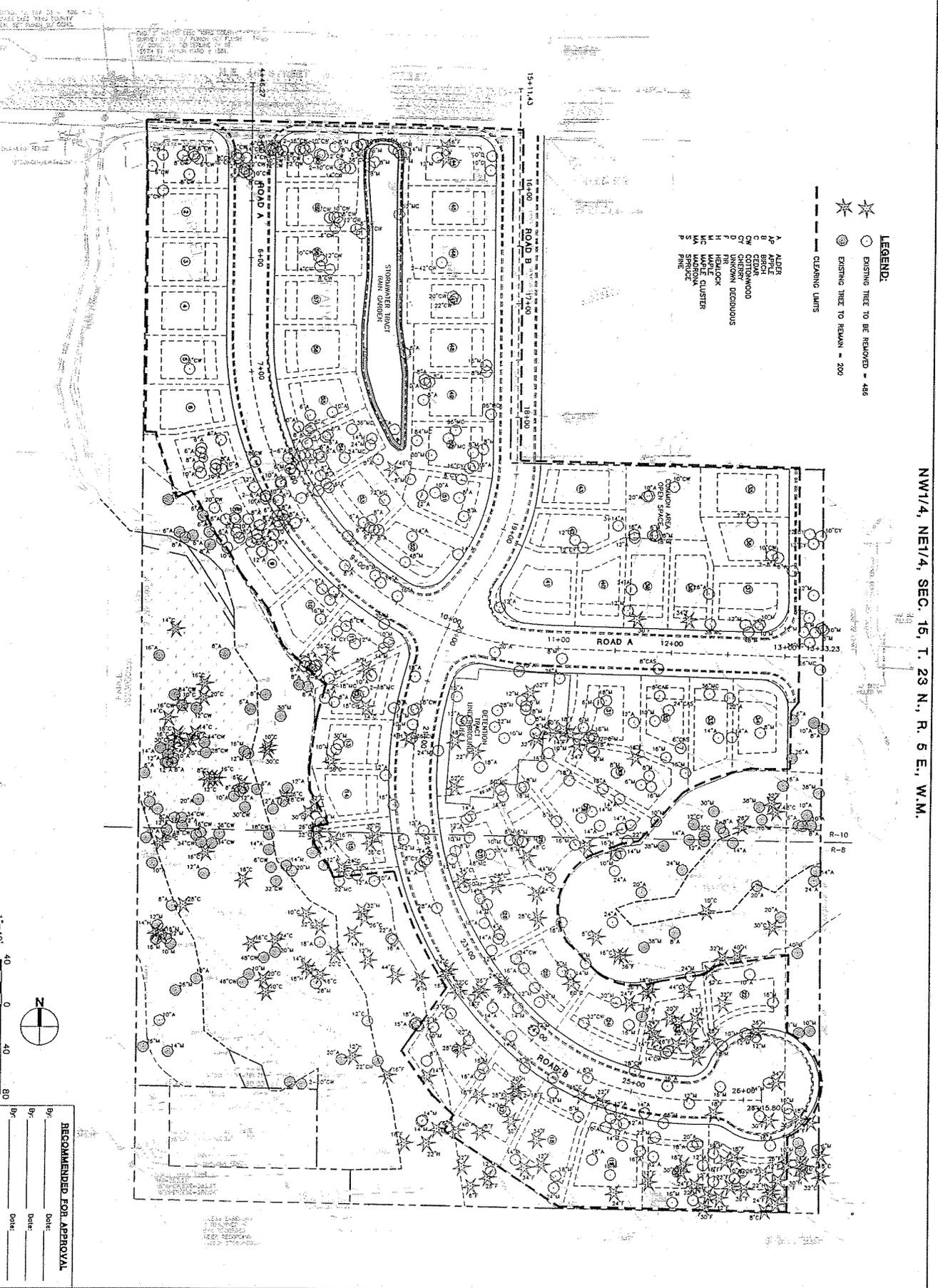


CITY OF RENTON
 Planning/Building/Public Works Dept.
 Gregg Zimmerman P.E., Administrator

WEST COAST
TREE INVENTORY PLAN

DATE	10/10/05
PROJECT	GR-2
SHEET	7
TOTAL	10

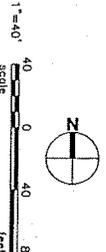
Exhibit 1



- A ALDER
- AP APPLE
- B BIRCH
- C CEDAR
- CW COTTONWOOD
- D DUNSTON DECIDUOUS
- F FIR
- H HEMLOCK
- M MAPLE CLUSTER
- MC MAPLE CLUSTER
- SP SPRUCE
- P PINE

- LEGEND:**
- EXISTING TREE TO BE REMOVED = 488
 - ⊙ EXISTING TREE TO REMAIN = 200
 - CLEARING LIMITS

NW1/4, NE1/4, SEC. 15, T. 23 N., R. 5 E., W.M.



RECOMMENDED FOR APPROVAL

By: _____	Date: _____
By: _____	Date: _____
By: _____	Date: _____

WEST COAST
 TREE INVENTORY PLAN
 GR-2
 SHEET 7 OF 10

WEST COAST

Site Development Associates, LLC
 18322 Bolnet Way NE, Everett, Washington 98011



Scale:
 Horiz. 1"=40'
 Vert. 1"=40'

DEVELOPER:
CAM WEST
 9720 NE 120th PL, Suite #100
 Kirkland, WA 98034
 425-825-1955

NO.	REVISION	BY	DATE	APPR

SCALE	1"=40'
DATE	10/10/05



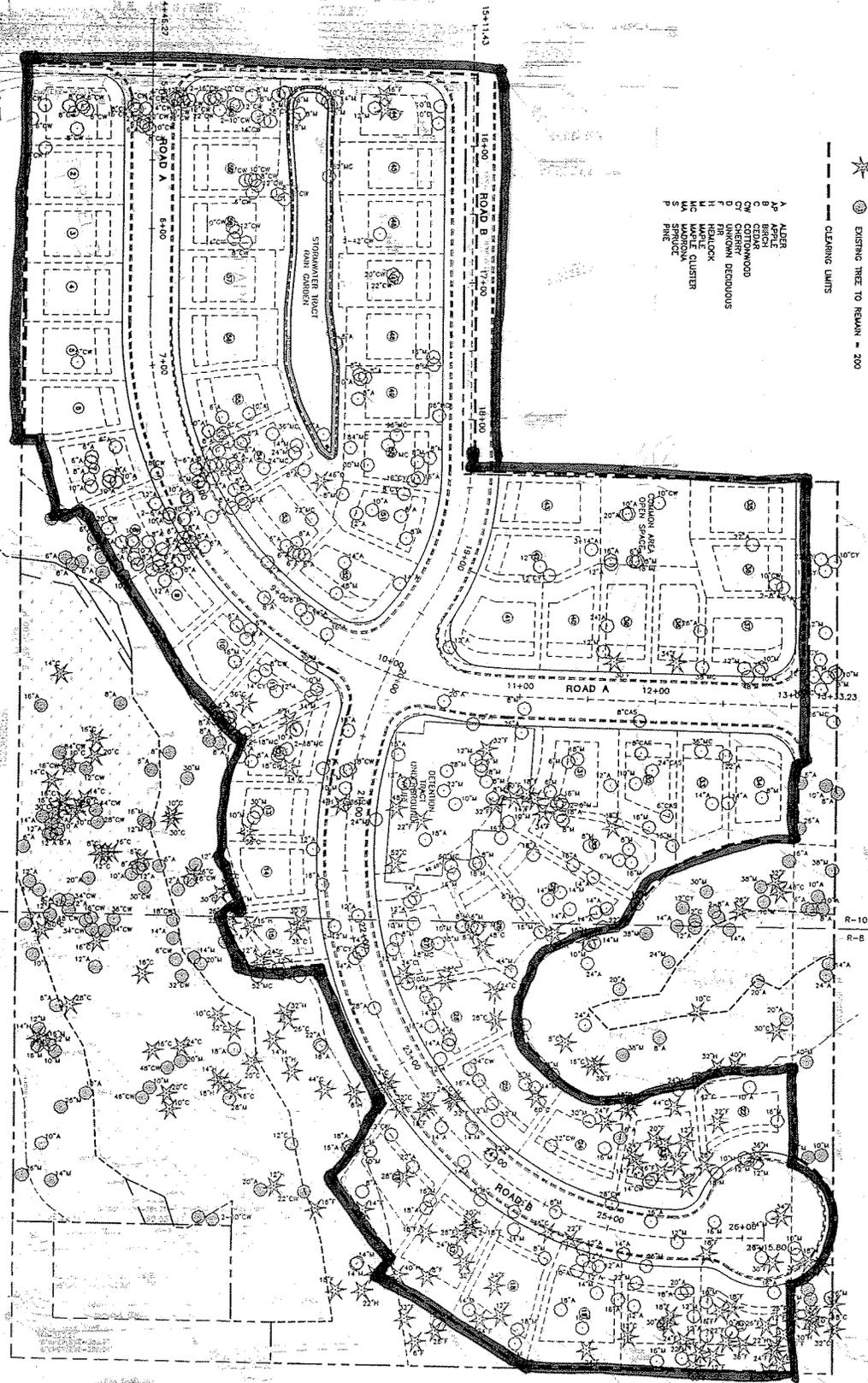
CITY OF RENTON
 Planning/Building/Public Works Dept.
 Gregg Zimmerman P.E., Administrator

WEST COAST
TREE INVENTORY PLAN

10/10/05
 GR-2
 7 10

Exhibit 2

Current Clear Line under RMC Today



- A ALDER
- B ASPEN
- C CEDAR
- D COTTONWOOD
- E DOGWOOD
- F FERN
- G GINKGO
- H HAWTHORNE
- I IRIS
- J JUNCUS
- K KUMAR
- L LILAC
- M MAHONIA
- N NODDY
- O OAK
- P PINE

- LEGEND:**
- EXISTING TREE TO BE REMOVED = 486
 - ★ EXISTING TREE TO REMAIN = 200
 - CLEARING LIMITS

NW 1/4, NE 1/4, SEC. 16, T. 23 N., R. 5 E., W.M.



RECOMMENDED FOR APPROVAL

By: _____	Date: _____
By: _____	Date: _____
By: _____	Date: _____

SHEET 7 OF 10
 GR-2

WEST COAST

Site Development Associates, LLC
 18322 Bothell Way NE, Bothell, Washington 98011



Scale:
 Horiz. 1"=40'
 Vert. 1"=40'

DEVELOPER:
CAM-WEST
 9720 NE 120th Pl, Suite #100
 Kirkland, WA 98034
 425-825-1955

NO.	REVISION	BY	DATE	APPR



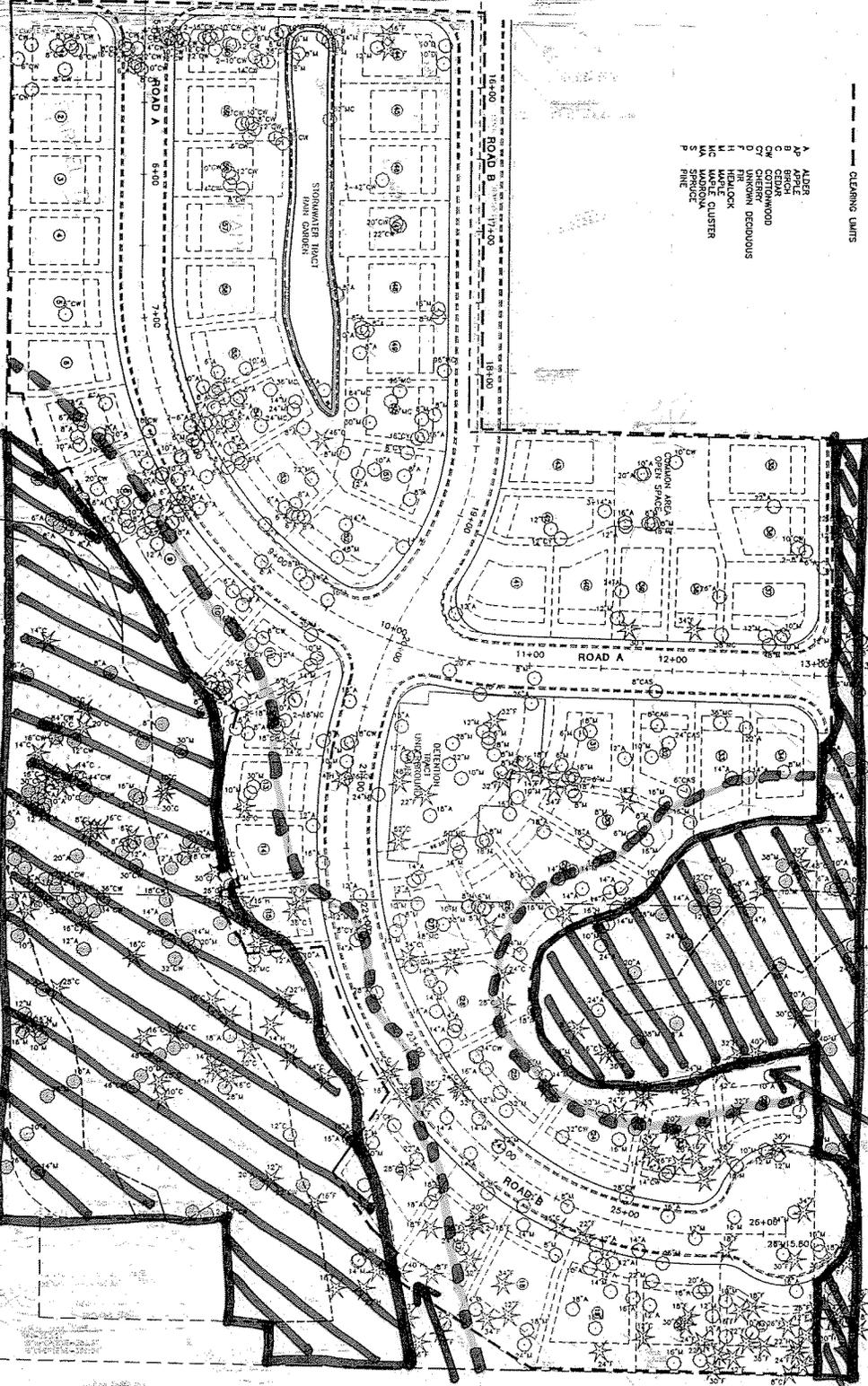
CITY OF RENTON
 Planning/Building/Public Works Dept.
 Gregg Zimmerman P.E., Administrator

WEST COAST
TREE INVENTORY PLAN

10/10/05
 GR-2
 7 of 10

Exhibit 3

*Required Retention Area - Critical Areas
 25' from Critical Area Buffer (2x Credit)*



- A ALDER
- A* APPLE
- B BIRCH
- C CEDAR
- CA COTTONWOOD
- D DOGWOOD
- F FIR
- H HAWKWOOD
- M MAPLE
- MC MAHOGANY
- S SPRUCE
- P PINE

- LEGEND:**
- EXISTING TREE TO BE REMOVED = 448
 - ⊙ EXISTING TREE TO REMAIN = 200
 - CLEARING LIMITS

NW 1/4, NE 1/4, SEC. 15, T. 23 N., R. 5 E., W.M.

*20 trees =
 40 credits*

*22 trees =
 44 credits*

RECOMMENDED FOR APPROVAL

Date: _____
 Date: _____
 Date: _____

GR-2
 SHEET 7
 OF 10

WEST COAST

Site Development Associates
 18322 Bolwell Way NE, Bolwell, Washington 98011



Scale:
 Horiz. 1"=40'
 Vert. 1"=40'

DEVELOPER:
CAM-WEST
 9720 NE 120th PL, Suite #100
 Kirkland, WA 98034
 425-825-1955

NO.	REVISION	BY	DATE	APPR

DESCRIPTION	DATE



CITY OF RENTON
 Planning/Building/Public Works Dept.
 Gregg Zimmerman P.E., Administrator

**WEST COAST
 TREE INVENTORY PLAN**

DATE	10/10/05
PROJECT	GR-2
SHEET	7
TOTAL SHEETS	10

Exhibit 4

Open Sp.

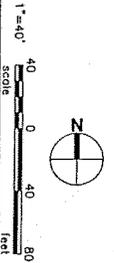
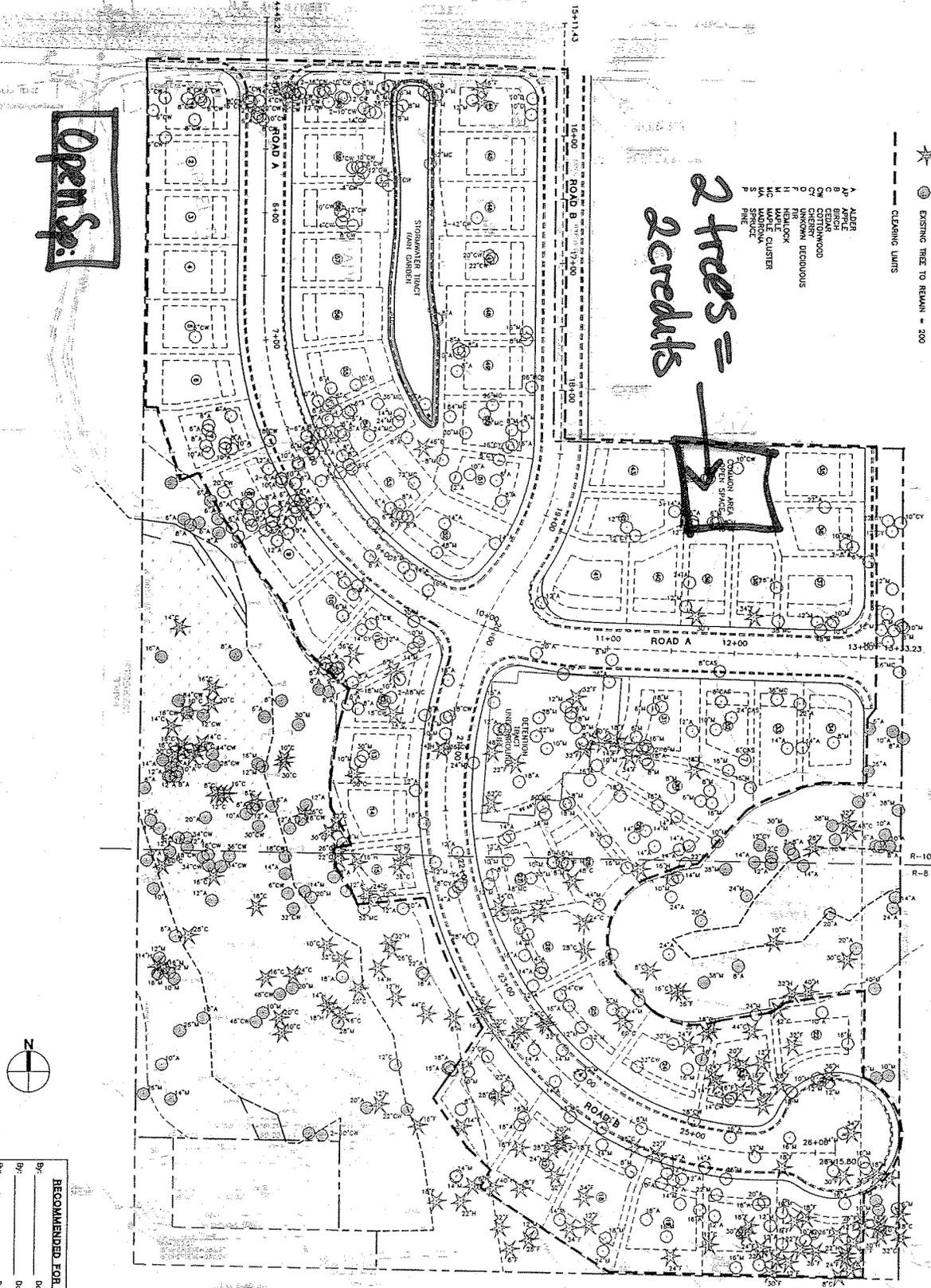
*2 trees =
 2 credits*

CONTRIBUTION AREA

- LEGEND:**
- EXISTING TREE TO BE REMOVED = 400
 - ⊙ EXISTING TREE TO REMAIN = 200
 - CLEARING LIMITS

- A ALDER
- B APPLE
- C CEDAR
- CM COTTONWOOD
- CN CYPRESS
- D UNKNOWN DECIDUOUS
- F FERN
- H HEDGECOCK
- M MAPLE CLUSTER
- MC MAHOGANY
- S SPRUCE
- P PINE

NW/4, NE/4, SEC. 16, T. 23 N., R. 5 E., W.M.



RECOMMENDED FOR APPROVAL

By: _____	Date: _____
By: _____	Date: _____
By: _____	Date: _____

WEST COAST
 TREE INVENTORY PLAN
 SHEET 7 OF 10
 GR-2

WEST COAST

Site Development Associates, LLC
 18322 Bothell Way NE, Bothell, Washington 98011



Scale:
 Horiz. 1"=40'
 Vert. 1"=40'

DEVELOPER:
CAM-WEST
 9720 NE 120th PL, Suite #100
 Kirkland, WA 98034
 425-825-1955

NO.	REVISION	BY	DATE	APPR

DATE	11-10-05
BY	
APPR	



CITY OF RENTON
 Planning/Building/Public Works Dept.
 Gregg Zimmerman P.E., Administrator

**WEST COAST
 TREE INVENTORY PLAN**

10/10/05
GR-2
7

Exhibit 5-

54+2x credits = 90

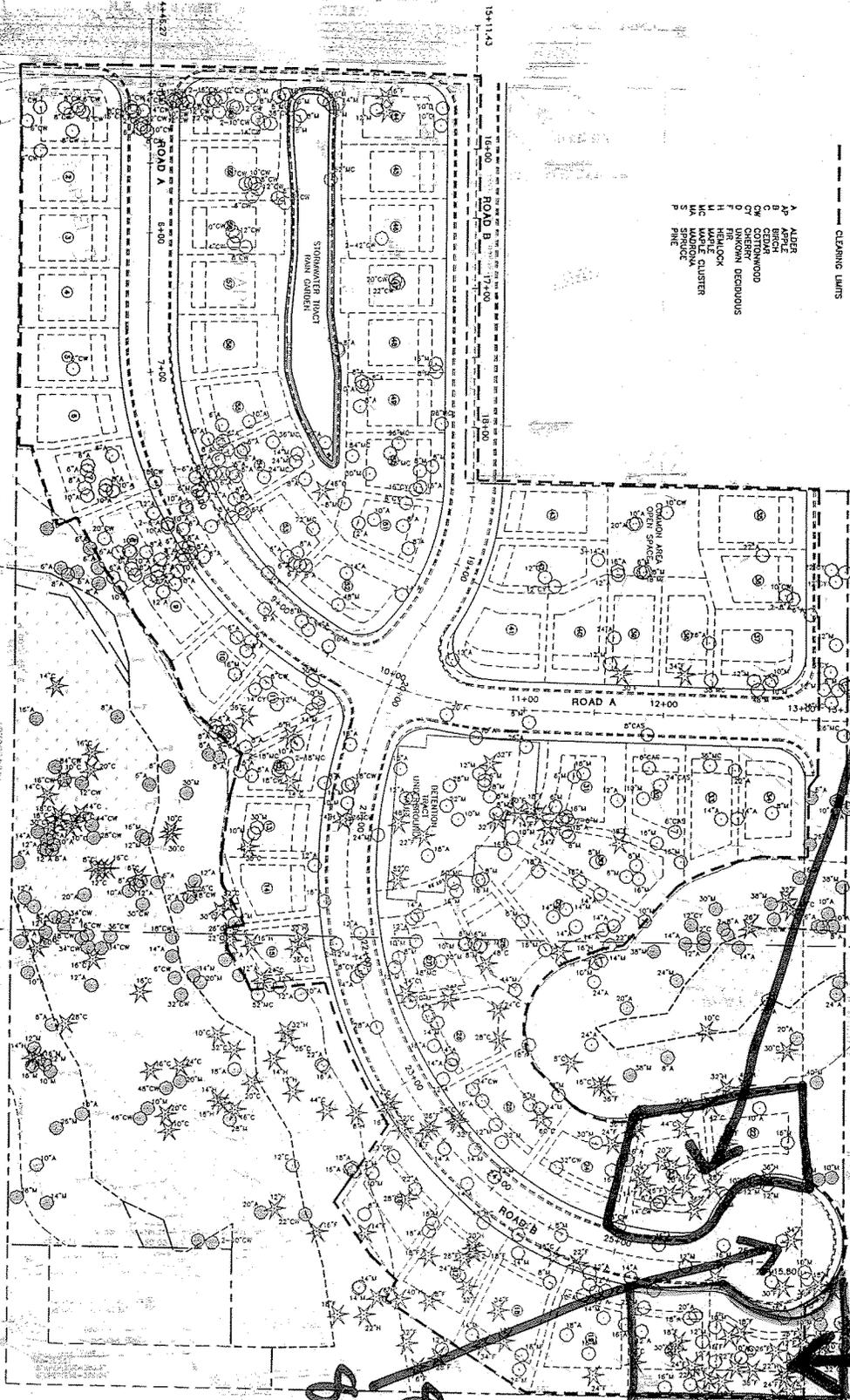
NW 1/4, NE 1/4, SEC. 14, T. 25N., R. 5 E., W.M.

23 trees + = 26 credits

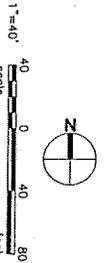
18+ trees + 1 cluster = credits

- LEGEND:**
- EXISTING TREE TO BE REMOVED
 - ⊙ EXISTING TREE TO BE MAINTAINED
 - CLEARING LIMITS
- TREE SPECIES:**
- A ALDER
 - B BIRCH
 - C CEDAR
 - CM CYPRESS
 - D UNKNOWN DECIDUOUS
 - H HEMLOCK
 - M MAPLE
 - MA MAHOGANY
 - MC MULBERRY
 - P PINE

Preserving a natural cluster or stand of trees



55 credits



RECOMMENDED FOR APPROVAL

By:	Date:
By:	Date:
By:	Date:

WEST COAST
 TREE INVENTORY PLAN
 GR-2
 SHEET 7 OF 10

WEST COAST

Site Development Associates, LLC
 18322 Bothell Way NE, Bothell, Washington 98011



Scale:
 Horiz. 1"=40'
 Vert. 1"=40'

DEVELOPER:
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 9720 NE 120th Pl., Suite #100
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 425-825-1955

PROPOSED CHANGES FOR TREE RETENTION- DRAFT ~~12/14/05~~ 1/6/2005

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 and critical area buffers, 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~~six-foot (~~56~~6') 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 4-4-080F7.

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 ~~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 species name, size, and location of all trees greater than six inches (6") in diameter at ~~four feet~~fifty-four inches (54") 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~~fifty-four inches (54" 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. (see RMC 4-4-130 Tree Retention and Land Clearing Regulations).

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.

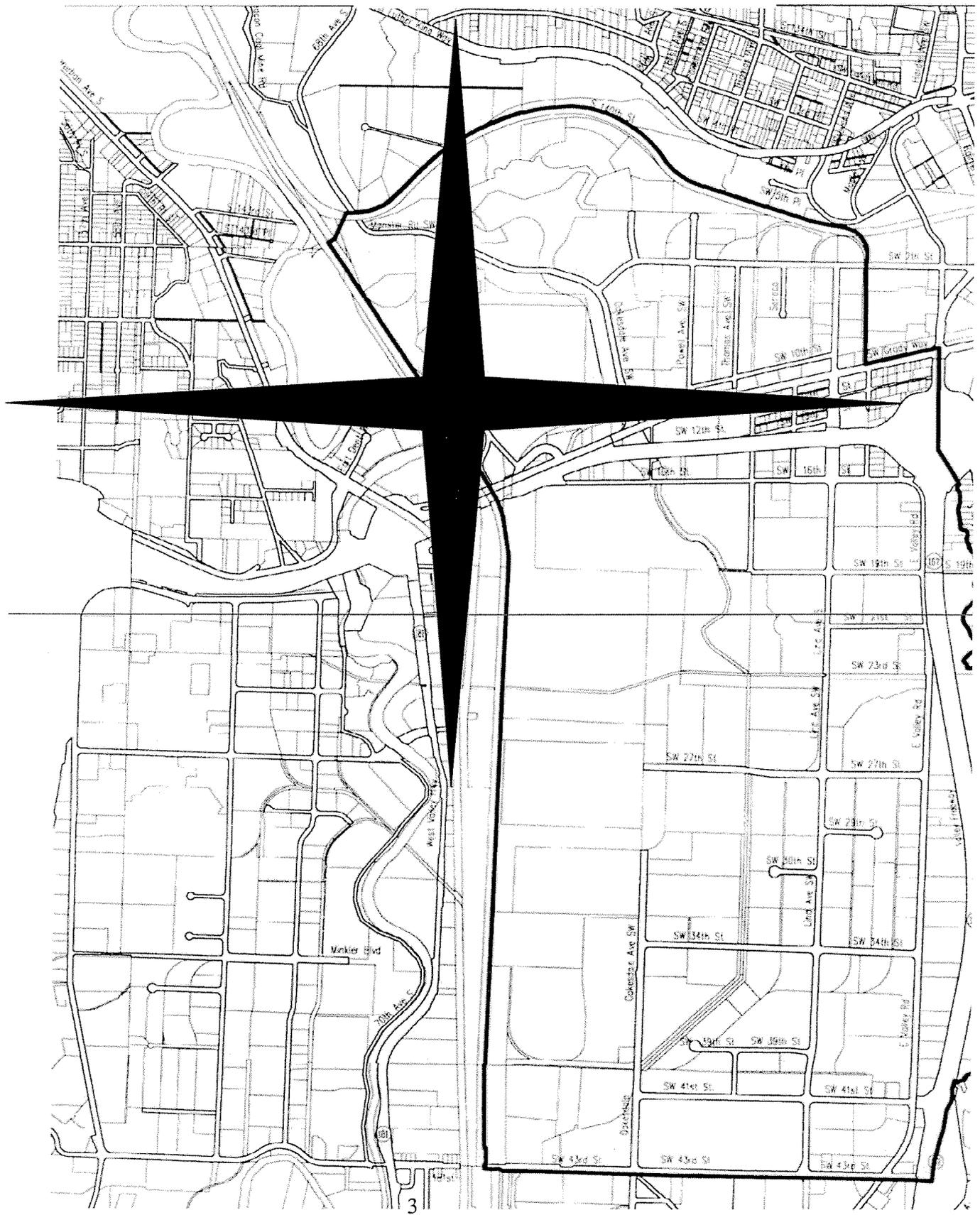
c. Landscaping shall not obscure fire hydrants or access for emergency-response vehicles.

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 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. Replacement plan for any protected trees proposed to be removed in accordance with RMC 4-4-130 H1g.

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~~a~~ 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. Damaged protected trees shall be replaced in accordance with RMC 4-4-130 H1g.

(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.

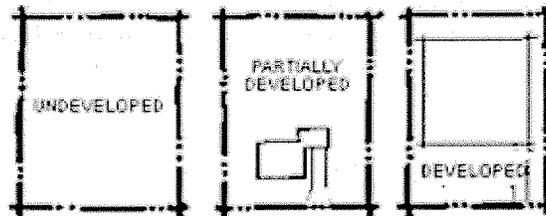
8. Site Investigative Work: Site investigative work necessary for land use application submittals such as surveys, soil logs, percolation tests, and other related activities including the use of mechanical equipment to perform site investigative work provided the work is conducted in accordance with 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, and except for the removal of trees retained as part of a tree retention plan, 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:

- a. On a developed lot or on a partially developed lot less than one-half (1/2) of an acre/10,000 square feet, any number of trees may be removed;
- b. On a partially developed lot greater than one-half (1/2) of an acre/10,000 square feet or on an undeveloped lot; provided, that:
 - i. 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/one (1) acre in size; and
 - ii. No more than six (6) trees are removed in any twelve (12) month period from a property thirty five thousand (35,000) square feet/one (1) acre and greater in size.

LOT TYPES



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.

c. Removal of retained trees subject to a tree retention plan is subject to the Replacement requirements in subsection H1g.

10. Landscaping or Gardening Permitted:

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

b. Partially Developed and Undeveloped Lots: Land clearing in conformance with the provisions of subsection C9, Allowable 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, Restoration 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 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 area unless specifically authorized by

~~the Reviewing Official, be consistent with established native growth protection area requirements of RMC 4-3-050E4. (Ord. 5137, 4-25-2005)~~

E. AUTHORITY AND INTERPRETATION:

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. (Ord. 5137, 4-25-2005)

F. PERMITS REQUIRED:

1. Land Development Permit: An approved land development permit 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 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 ~~cutting-removal~~, 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; 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: Protected Trees shall be retained as follows:

a. General:

i. All protected trees located within any required perimeter landscaping area shall be retained;

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

iii. Trees that are damaged or diseased or are safety risks due to root, trunk or crown structure failure shall not be counted as significant trees.

b. Residential: Twenty-five percent of the protected trees located in the interior of the lot, excluding critical areas or their buffers, shall be retained in a residential or institutional development. 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;

c. Industrial and Commercial: Five percent of the protected trees located in the interior of the lot, excluding critical areas or their buffers shall be retained in commercial or industrial developments. 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 developments and mineral extraction operations: 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. Retention formula: The total number of protected trees within the interior of the lot shall be counted and the above retention factors applied to obtain the required retention credits. If the number of trees to be retained includes a fraction, any amount equal to or greater than one-half tree (1/2) shall be rounded up.

f. Retention credit: The following chart shall be used in calculating retention credits:

PROTECTED TREE RETENTION CREDIT TABLE

<u>Tree</u>	<u>Retention Credit</u>
<u>All trees within critical areas</u>	<u>N/A- retention required per RMC 4-3-050</u>
<u>Protected trees within required perimeter landscaping</u>	<u>N/A- 100% retention required</u>

<u>Protected Tree within the interior of a lot</u>	<u>1 tree = 1 credit</u>
<u>Cluster of three or more existing trees (each greater than 3" diameter)</u>	<u>1 cluster = 1 credit</u>
<u>Protected Tree greater than 60' high</u>	<u>1 tree = 2 credits</u>
<u>A protected tree clustered with five or more existing trees</u>	<u>1 protected tree cluster = 2 credits</u>
<u>A protected tree located within 25' of a required critical area buffer</u>	<u>1 tree = 2 credits</u>

g. Replacement Requirements:

i. Undeveloped or Partially Developed Lots: When the required number of protected trees cannot be retained, protected trees that are removed shall be replaced with new trees, with three inch (3") caliper or greater, at a replacement rate of one inch diameter for every one inch diameter of the tree to be replaced.

ii. Developed Lots: When a tree or tree cluster that is part of an approved tree retention plan cannot be retained, mitigation shall be required per subsection a of this section.

2. Plan Required: An applicant shall submit a tree retention and land clearing plan concurrently with a grading permit, building permit, preliminary subdivision or short subdivision application, or other applicable development permit application, whichever is reviewed and approved first. When a development permit is submitted to the City it shall be accompanied by a tree cutting 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 cuttingremoval 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 cuttingremoval activities shall meet the following criteria:

a. The land clearing and tree cuttingremoval 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 cuttingremoval 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 cuttingremoval 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 cuttingremoval 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 cuttingremoval shall be consistent with subsection D2 of this Section, Restrictions for Critical Areas, and RMC 4-3-050, Critical Areas Regulations.

~~**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 cuttingremoval 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.~~

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 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 protections safeguarding 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.~~

~~ii. **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 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 TRESSPASSING- Protected Trees" or on each side of the fencing if less than fifty~~

feet (50'). Side access to individually protected trees or groups of trees shall be fenced and signed. Individual trees shall be fenced on four sides. All fence sections shall be securely fastened together with bolted couplings to prevent access through the fencing. In addition, the applicant shall provide supervision whenever equipment or trucks are moving near trees.

iiic. 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.

ivd. 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 1/2') 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.

vif. 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 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 tree;

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 two years after the planting or transplanting of vegetation to insure 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 shall have the authority to grant variances from the provisions of this Section pursuant to RMC 4-8-070H and RMC 4-9-250. (Ord. 5137, 4-25-2005)

JI. 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 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 removed and/or removed, 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 removed. The replacement trees will be of sufficient caliper to adequately replace the lost tree(s) or, and at a minimum of three inches (3") 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)

4-8-120D DEFINITIONS OF TERMS USED IN SUBMITTAL REQUIREMENTS FOR BUILDING, PLANNING AND PUBLIC WORKS APPLICATIONS

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 of planting areas,
- 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. Location, size and species of all protected trees on the site. Trees on the plan shall be identified to indicate which are to be protected and which are to be removed.

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 of planting areas (the width of a landscaping area when curbed shall be measured from inside to inside of the curbs),
- 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. Location, size and species of all protected trees on the site. Trees on the plan shall be identified to indicate which are to be protected and which are to be removed.

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/Removal/Land Clearing (Tree Inventory) Plan: A plan, based on finished grade, drawn to scale 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 and sizes of vegetation to be removed, altered or retained. 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. Show trees proposed to be removed within required zoning setbacks along perimeter of development.

k. 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 show the location and species of each protected tree that is intended to qualify for additional credit pursuant to the Protected Tree Retention Credit Table, in RMC 4-4-130-H1. (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 cutting removal, landscaping, or gardening on developed, partially developed or undeveloped property must obtain a routine vegetation management permit prior to performing such work.

c. 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 RMC 4-4-130C2, Allowable 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:

- 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)

4-11-160 DEFINITIONS P

Protected tree.

An existing healthy tree which, when measured at fifty-four inches (54") above grade, has a minimum diameter of:

A. Eight inches:

B. Possess unique or unusual features as determined by the Reviewing Official;

C. Trees on the following list shall not be considered protected trees 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.

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

ITEMS FOR THE DOCKET

LANDSCAPE REVIEW

Reorganization of the Landscaping Code

- to create a "maintenance" section
- to move some of the landscape standards to other sections of the code (e.g. street standards, clear vision area, grading,)
- to fix submittal requirements
- to fix vague and imprecise language throughout (where it is required to set a standard or come to a policy decision)
- to provide appropriate references to other pertinent sections of the code

Set standards for trees to minimize sidewalk damage

Performance Surety, Maintenance surety, and damaged landscaping penalty system (consistent with tree retention section)

Size of required landscaping strips for rear/side yards along streets

Set standards for required drought resistant plants

Examine the issue of landscaping in the public right of way

Approved list of trees and plants for different types of landscaping

Nuisance species list for trees or plants

Indigenous species list (with some sort of extra credit for planting)

TREE RETENTION

Clarify SEPA requirements with regards to tree retention plans

Determine what buffer of non-protected trees should be retained to protect the integrity of the protected trees

Violation system that assesses penalty based on value of trees removed and/or a provision for removal if penalty is paid

Should the city require the placement of a value placard on retained trees during construction?

Performance Surety, Maintenance surety, and damaged landscaping penalty system (consistent with landscape section)

Define qualified professional for the purposes of consulting on tree retention issues

Determine adequate protection measures (if any) for protecting trees from grade changes

Address issues of trees in the ROW

Determine if the exemption to allow tree removal for solar access is warranted

Definition of significant tree- to include other factors?

Technical review process for significant trees

OTHER DOCKETED ITEMS

Submittal requirements for Routine Vegetation Management Permits

Integration of a proposed Forestry Ordinance with applicable sections of code

Subdivision requirements to mandate HOAs maintain landscaping and tree retention plan