

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
LAKE FOREST PARK, WASHINGTON, AMENDING
CHAPTER 16.14 OF THE LAKE FOREST PARK
MUNICIPAL CODE, TREE CANOPY PRESERVATION AND
ENHANCEMENT; PROVIDING FOR SEVERABILITY, AND
ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, and;

WHEREAS, and;

WHEREAS, and;

WHEREAS, an Environmental Checklist for a non-project action was prepared under the State Environmental Policy Act, Chapter 43.21C RCW, pursuant to Chapter 197-11 WAC, and a Determination of Non-Significance ("DNS") was issued on _____, 2023; and

WHEREAS, in accordance with the requirements set forth in RCW 36.70A.106, the City provided the Washington State Department of Commerce notice of the City's intent to adopt the proposed amendments on _____, 2023, and received notice that the Department had granted expedited review on _____; and

WHEREAS, the City Council held public meetings to amendments to of Chapter 16.14 LFPMC during meetings on April 13, 2023 _____, and

WHEREAS, the City Council held a public hearing on _____, 2023, regarding the proposed ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. AMEND. The City Council of the City of Lake Forest Park hereby amends LFPMC 16.14.030, Definitions, as follows:

16.14.030 Definitions.

For the purposes of this chapter, the following terms are defined as follows:

"Administrator" means the planning director or the planning director's designee.

1 “At-risk tree” means a tree that is exposed to potential damage but can be preserved
2 during the construction process of major or minor development, through strict
3 adherence to recommendations from the city’s qualified arborist.

4 “Best management practices (BMPs)” means adherence to tree health care standards
5 detailed in the current edition of the American National Standards Institute (ANSI) A300
6 and the current edition of the International Society of Arboriculture (ISA) BMPs including
7 the special companion publication to the ANSI A300, Best Management Practices for
8 Utility Pruning of Trees.

9 “Caliper” means the industry standard for measurement of nursery stock size. Caliper is
10 measured six inches above the root collar for nursery stock four inches in diameter and
11 smaller.

12 “Canopy” means the part of the tree crown composed of leaves and small twigs or the
13 collective branches and foliage of a group of trees’ crowns.

14 “Canopy coverage” means the area covered by the canopy of trees on the lot. When a
15 tree trunk straddles a property line, 50 percent of the canopy shall be counted towards
16 each property’s canopy coverage. The canopy coverage of the immature trees and
17 newly planted trees is determined using the projected canopy areas in the Lake Forest
18 Park general tree list.

19 “Critical root zone (CRZ)” means the International Society of Arboriculture (ISA)
20 definition of CRZ as an area equal to one-foot radius from the base of the tree’s trunk
21 for each one inch of the tree’s diameter at 4.5 feet above grade (referred to as diameter
22 at breast height). Example: A 24-inch diameter tree would have a critical root zone
23 radius (CRZ) of 24 feet. The total protection zone, including trunk, would be 50 feet in
24 diameter.

25 “Crown” means that portion of the tree’s stem that is occupied by branches with live
26 foliage.

27 “DBH” or “DSH” is an acronym for tree diameter at breast height (or standard height)
28 which means the diameter of existing trees measured 4.5 feet above the ground line on
29 the high side of the tree. For the purposes of code enforcement, if a tree has been
30 removed and only the stump remains, the size of the tree shall be the diameter of the
31 top of the stump adjusted to DBH using published tables or regression curves.

32 “Dead tree” means a tree with no live crown and no functioning vascular tissue.

33 “Demolition” means the complete tearing down, razing, or removal of a building or
34 structure. A building is considered demolished even if the foundation remains.

35 “Dripline” for a tree is delineated by a vertical line extended from the outermost branch
36 tips to the ground, or six-foot radius from the stem of the tree, whichever is greater.

“Environmentally critical areas” or “critical areas” and their buffers are defined in Chapter 16.16 LFPMC.

“Exceptional tree” means a viable tree, which because of its unique combination of size and species, age, location, and health is worthy of long-term retention, as determined by the city’s qualified arborist. To be considered exceptional, a tree must meet the following criteria:

1. The tree must be included in and have a diameter at breast height (DBH) that is equal to or greater than the threshold diameters listed in Table 1;

2. The tree shall exhibit healthful vigor for its age and species;

3. The tree shall not be considered a significant risk in regard to existing utilities and structures as evaluated per the tree risk assessment defined in LFPMC 16.14.080(A)(1);

4. The tree shall have no visual structural defects that cannot be mitigated by one or more measures outlined in the International Society of Arboriculture Best Management Practices; and

5. If retained under current tree growth conditions, the tree can be expected to remain viable with reasonable and prudent management and care.

Table 1: Exceptional Tree Species and Their Threshold Diameters

Species	Threshold Diameter (DBH)
Bigleaf MAPLE – <i>Acer macrophyllum</i>	42 inches
Douglas FIR – <i>Pseudotsuga menziesii</i>	42 inches
Grand FIR – <i>Abies grandis</i>	33 inches
MADRONA – <i>Arbutus menziesii</i>	12 inches
Western HEMLOCK – <i>Tsuga heterophylla</i>	36 inches
Western Red CEDAR – <i>Thuja plicata</i>	42 inches
Western White PINE – <i>Pinus monticola</i>	36 inches

1 “Forest health emergency” means the introduction of, or an outbreak of, an exotic forest
2 insect or disease that poses an imminent danger of damage to the environment by
3 threatening the survivability of native tree species, as defined in Chapter 76.06 RCW.

4 “General tree list” means a list of tree species that is maintained by the city and
5 approved by the city’s qualified arborist for planting as replacement trees, as well as
6 tree species that are prohibited from being planted as replacement trees.

7 “Grove” means a contiguous grouping of trees with overlapping canopies that are 12
8 inches DBH or greater and that occupy no less than 7,000 square feet or more in size.

9 “Interior critical root zone (ICRZ)” means an area encircling the base of a tree equal to
10 one-half the diameter of the critical root zone. Disturbance of this area beneath a tree
11 would cause significant impact to the tree, potentially life threatening, and would require
12 maximum post-care treatment to retain the tree.

13 “Invasive tree” means a tree listed as a weed of concern in Chapter 16-750 WAC,
14 Chapter 17.10 RCW, or by King County in its noxious weed list.

15 “Landmark tree” means a significant tree that is at least 24 inches in diameter (DBH).

16 “Limits of disturbance” means the boundary between the area of minimum protection
17 around a tree and the allowable site disturbance as determined by the city’s qualified
18 arborist.

19 “Major development activity” means subdivision or short subdivision; construction or
20 demolition of single-family, multifamily, or commercial buildings; and alterations, repairs,
21 enlargements or additions that add 1,000 square feet or more of impervious surface
22 coverage.

23 “Minor development activity” means any activity that requires federal, state, or local
24 approval for the use or modification of land or its resource, except those defined as
25 “major development activity.” These activities include, but are not limited to, additions,
26 enlargements, or alterations to existing structures, construction of retaining walls,
27 fences, driveways, and garages, clearing and grading activity, and activity in the right-
28 of-way that is not exempt from permit requirements.

29 “Multi-stemmed tree” means a tree that has one stem at ground level but that splits into
30 two or more stems above ground level. Trees whose stems diverge below ground level
31 are considered separate trees. Where a tree splits into several trunks below typical
32 DBH, the DBH for the tree is the square root of the sum of the DBH for each individual
33 stem squared (example with three stems: $DBH = \text{square root of } [(stem\ 1)^2 + (stem\ 2)^2 + (stem\ 3)^2]$).
34

35 “Native” means trees and plants native to western Washington. . . .

36 ~~“Off-site replanting” means any one or combination of the following:~~

1 ~~1. The planting of replacement trees pursuant to a permit on a lot different from the~~
2 ~~lot the tree was removed from, given that all other permit requirements and~~
3 ~~conditions are met.~~

4 ~~2. The payment of a mitigation fee to the city tree account in an amount equal to~~
5 ~~replacement cost, as defined by the current edition of the Council of Tree and~~
6 ~~Landscape Appraisers Guide for Plant Appraisal, for trees not planted on-site. For~~
7 ~~the purpose of calculation, each 450 square feet of canopy coverage being~~
8 ~~replaced off-site shall be considered one tree.~~

9 ~~3. For utility forest management plans, a utility-funded, city-approved, tree~~
10 ~~replacement program that provides monies or vouchers to adjacent property~~
11 ~~owners or the city to effectuate tree replacement, which may or may not be within~~
12 ~~the utility corridor or right-of-way.~~

13 “Off-site replanting” means the planting of replacement trees pursuant to permit
14 requirements and conditions on a lot or right-of-way different from the lot or right-of-way
15 corridor the tree was removed from.

16 “Off-site replanting, fee-in-lieu” means the payment of a mitigation fee to the city tree
17 account in an amount equal to replacement cost, as defined by the current edition of the
18 Council of Tree and Landscape Appraisers Guide for Plant Appraisal, for off-site
19 replanting. For the purpose of calculation, each 450 square feet of canopy coverage
20 being replaced off-site shall be considered one tree.

21 “Off-site replanting program” for utility forest management plans means, a utility-funded,
22 city-approved, tree replacement program that provides monies or vouchers to adjacent
23 property owners or the city to effectuate tree replacement, which may or may not be
24 within the utility corridor or right-of-way.

25 “Person” means an individual, corporation, municipal corporation, association, LLC
26 (limited liability corporation), or any legal entity.

27 “Proactive forest management plan” means a plan for maintenance, management,
28 preservation and enhancement of trees on a lot or lots that includes a qualified
29 arborist’s approach for maintenance and pruning, tree removal, tree planting and forest
30 enhancement over the course of five or more years.

31 “Protected tree” means a tree and associated understory vegetation identified for
32 retention and protection on an approved tree protection and replacement plan and/or
33 permanently protected by easement, tract, or covenant restriction. Property owners are
34 responsible for protected trees remaining viable and achieving their 30-year maturity
35 goals, including normal care, maintenance, and pruning. Should a protected tree
36 become diseased to the point that it must be removed or die, the property owner is also
37 responsible for replacing the tree with a tree or trees that will achieve the original
38 canopy coverage for which the protected tree was planted to achieve.

1 “Risk” in the context of trees is the cross-referencing of the likelihood of a tree failure
2 occurring and the severity of the associated consequences to a target.

3 “Qualified arborist” is an individual who is a certified professional with academic and
4 field experience that makes them a recognized expert in urban forestry and tree
5 protection during development. A qualified arborist shall be a certified arborist member
6 of-with the International Society of Arboriculture (ISA) and/or thea member of the
7 Association of Consulting Arborists and shall have specific experience with urban tree
8 management in the state of Washington. Additionally the city’s qualified arborist shall be
9 a certified arborist or board certified master arborist, as certified by the International
10 Society of Arboriculture, and be ISA Tree Risk Assessment Qualified and have the
11 necessary training and experience to use and apply the appraisal methodology
12 prescribed in the current edition of the ISA Plant Appraisal Guide.

13 “Right-of-way corridor (ROW corridor)” means the area within 1000 linear feet on either
14 side of the right-of-way boundary lines where trees in the right-of-way are removed.
15 Where the 1000 feet includes portions of Lake Washington, that waterward portion shall
16 be added to the other side of the ROW corridor so that a corridor width of 2000 linear
17 feet plus the ROW width is established for the length of the project and it only includes
18 upland areas.

19 “Right-of-way corridor canopy replacement plan” means a plan submitted by the
20 applicant’s qualified arborist including identification of trees for removal and retention,
21 replanting, maintenance, and monitoring.

22 “Right-of-way corridor project” means a project that is undertaken by a state agency,
23 municipal corporation, quasi-municipal corporation, regional transit authority or other
24 government entity (together “agency”) which will modify transportation or utility
25 infrastructure in a segment of right-of-way that extends beyond the frontage of more
26 than one parcel and will require tree removal within the right-of-way and/or on adjacent
27 private property.

28 “Significant tree” means a tree six inches or greater in diameter (DBH) or a required
29 replacement tree of any size. Dead trees shall not be considered significant trees.

30
31 “Street tree” means any planted tree on public rights-of-way.

32
33 “Target” or “risk target” means people, property, or activities that could be injured,
34 damaged, or disrupted by a tree.

35
36 “Topping” means the removal of the primary leader or the whole top of a tree.

37
38 “Tree” means a self-supporting woody plant characterized by one main trunk or, for
39 certain species, multiple trunks, typically reaching at least 20 feet in height at maturity
40 that is recognized as a tree in the nursery and arboricultural industries.

1 “Tree removal” means the direct or indirect removal of a tree(s) through actions
2 including, but not limited to: clearing, cutting, girdling, topping, or causing irreversible
3 damage to roots or stems; destroying the structural integrity of trees through improper
4 pruning; poisoning; filling, excavating, grading, or trenching within the dripline that
5 results in the loss of more than 20 percent of the tree’s root system; or the removal
6 through any of these processes of greater than 50 percent of the live crown of the
7 significant tree.

8
9 “Tree risk assessment” means the systematic process to identify, analyze, and evaluate
10 tree risk. Tree risk assessment shall be conducted in accordance with the latest version
11 of the ISA Best Management Practices Guide.

12
13 “Tree risk assessor” means a qualified arborist who identifies subject tree(s) and site
14 conditions, evaluates and classifies the likelihood of failure, estimates the
15 consequences of tree(s) hitting a target, and determines options for treatment or
16 mitigation. The city of Lake Forest Park requires that tree risk assessors be ISA Tree
17 Risk Assessment Qualified.

18
19 “Understory vegetation” means small trees, shrubs, and groundcover plants, growing
20 within the dripline or critical root zone (CRZ) of a significant tree.

21
22 “Utility forest management plan” means a proactive plan that is concurrent with a utility’s
23 franchise agreement and right-of-way permit(s) for maintenance and management of
24 trees in a utility corridor, right-of-way, or private property that includes the utility’s
25 qualified arborist’s approach for maintenance and pruning, tree removal and off-site
26 replanting, and a commitment to inventorying emergency tree removals.

27
28 “Viable (tree)” means a significant tree that a qualified arborist has determined to be in
29 good health with a low risk of failure, is relatively windfirm if isolated or exposed, is a
30 species that is suitable for its location, and is therefore worthy of long-term retention.

31
32 “Wildlife habitat tree” means the remaining trunk of a dead, dying, diseased, or hazard
33 tree that is reduced in height and stripped of all live branches. To be considered as a
34 wildlife habitat tree, the tree must be at least 12 inches DBH and 20 feet tall. The actual
35 wildlife habitat tree height must consider the surrounding targets.

36
37 “Windfirm” means a tree that is healthy and well-rooted and the city’s qualified arborist
38 has evaluated and determined that it can withstand normal winter storms in Lake Forest
39 Park.

40
41 Section 2. AMEND. The City Council of the City of Lake Forest Park hereby amends
42 LFPMP 16.14.040, Tree removal – Application for permits and post required, as follows:

43
44
45 **16.14.040 Tree removal – Application for permits and posting required.**

1 A. Permits Required. No person or their representative, directly or indirectly, shall
2 remove or destroy any significant tree located within the city without first obtaining a tree
3 permit in accordance with this chapter, unless exempted by LFPMC 16.14.050.

4 B. Permit Categories.

5 1. Minor Tree Permit. Unless a major tree permit is required ~~below~~, a minor tree
6 permit application removal may be submitted permitted without arborist review in
7 the following circumstances: ~~The administrator may require review by the city's~~
8 ~~qualified arborist if the administrator determines that the removal could result in a~~
9 ~~threat to persons or damage of property.~~

10 a. When two or fewer significant trees are proposed for removal within any
11 36-month period, unless the trees are protected trees or are located in an
12 environmentally critical area or buffer; or

13 b. When any number of invasive trees are proposed for removal, except
14 when those trees are located in an environmentally critical area or buffer;
15 or

16 c. When any tree(s) explicitly covered by an approved proactive forest
17 management permit is proposed for removal.

18 This application does not require review by the City's qualified arborist. The
19 administrator may, however, require review by the City's qualified arborist if the
20 administrator determines that the removal could result in a threat to persons or
21 damage of property.

22 2. Major Tree Permit. A major tree permit is required for tFree removal with
23 review by the city's qualified arborist under in the following circumstances:

24 a. When one or more landmark tree is proposed for removal;

25 b. When three or more significant trees are proposed for removal within
26 any 36-month period;

27 c. When any tree proposed for removal is a protected tree or is located in
28 an environmentally critical area or buffer;

29 d. When any major development activity is proposed;

30 e. When any minor development activity is proposed within the critical root
31 zone (CRZ) of significant trees; or

32 f. When trees are proposed for removal on a property on which major
33 development activity has occurred within the last five years.

This application requires review and approval by the City's qualified arborist.

3. Proactive Forest Management Permit. A proactive forest management permit application may be submitted when an applicant proposes permitted after review and approval by the city's qualified arborist when the applicant(s) commit(s) to forest enhancement on their lot(s) over the course of five or more years. This application requires review and approval by the City's qualified arborist.

4. Utility Forest Management Permit. A utility forest management permit application may be submitted permitted after review and approval by the city's qualified arborist when a utility provider and their qualified arborist proposes commits to collaborate give efforts toward improved viability of the city's urban forest in tandem with necessary tree maintenance and management. This application requires review and approval by the City's qualified arborist.

5. Right-of-way Tree Permit. A right-of-way tree permit application may be submitted if the applicant proposes removal of tree(s) in the right-of-way, but does not meet the definition of a right-of-way corridor project permit. This application requires review and approval by the City's qualified arborist.

6. Right-of-way Corridor Project Permit. A right-of-way corridor project permit may be submitted for a project undertaken by an agency that will modify transportation or utility infrastructure in a segment of right-of-way that extends beyond the frontage of more than one parcel and will require tree removal within the right-of-way and/or on adjacent private property. This application requires review and approval by the City's qualified arborist.

C. Application Requirements.

1. All tree removal permit applications, except utility forest management permits, shall include the completed permit application supplemented by a general site plan showing:

- a. The name, address, email, and phone number of the applicant and owner of the property;
- b. The locations of tree(s) to be removed;
- c. Nearby structures and streets;
- d. Locations of other significant trees surrounding the tree(s) to be removed;
- e. Locations of critical areas or buffers;
- f. A tree replacement plan if required by LFPMC 16.14.090; and

g. Authorization for the city's qualified arborist to access the site for the purpose of evaluating permit compliance and the viability of replacement trees.

2. Major tree permits and proactive forest management permit applications shall include the following:

a. A site map (to scale) with a north arrow depicting accurate location of site features including buildings, driveways, environmentally critical areas and buffers, forest groves or open-grown single or clusters of significant trees; the CRZ and ICRZ of the grove, cluster, or individual tree, along with any off-site trees that may be impacted by tree removal, excavation, grading, or other development activity proposed; and

b. A tree inventory and assessment report prepared by a qualified arborist that includes at a minimum: trees to be removed and protected (including CRZ and ICRZ), trees in the vicinity of construction or that could be impacted by the proposed development activity, tree protection fence location, timeline for tree protection activities, list of protection measures and conditions to be taken during all development activities to ensure code compliance during development activities; and

c. A report including, at a minimum, information on tree species, diameter at breast height, condition (health), risk level, existing and proposed canopy coverage, and when applicable, design of a land use proposal that prioritizes healthy trees in accord with LFPMC 16.14.070(D)(3).

3. Proactive forest management permit applications shall also include the following:

a. A proactive forest management plan proposal that meets the definition in LFPMC 16.14.030; and

b. A timeline for tree-related activity, including tree removal, replacement, and maintenance.

4. Utility forest management permit applications shall include the following:

a. A utility forest management plan proposal that meets the definition in LFPMC 16.14.030; and

b. A timeline for tree-related activity, including notification periods that enable city participation in tree removal choices through comment by the city's qualified arborist; and

c. Map(s) indicating the utility corridor(s), right(s)-of-way, or private property where proposed tree maintenance and management activity will occur; and

d. Maintenance and removal practices that reflect the need for continuity of utility service, and public health and safety concerns based on the specific utility facilities.

5. Right-of-way tree permit applications shall include the following:

a. A site plan shall including the surveyed location of tree(s) proposed for removal in relationship to property lines adjacent to the right-of-way;

b. Authorization from all lot owners where a tree, or portion thereof, is proposed for removal;

c. A Canopy coverage study describing the projected canopy lost from the project; and

d. A replacement plan that provides for at least one tree replacing each tree removed, to provide canopy coverage equal to or greater than the tree(s) being removed.

6. Right-of-way corridor project permit applications shall include the following:

a. An explanations of the purposes and goals of the project including a discussion of how the design prioritized healthy trees in accord with LFPMC 16.14.070(D)(3) and discussion of why lower impact design approaches to accomplish the project purposes and goals are not feasible.

b. A timeline for tree-related activity including tree removal, replacement, maintenance, and monitoring.

c. A Canopy coverage study of the projected canopy lost from the project.

d. A maintenance, monitoring, and watering plan for At-risk trees including replacement if an At-risk tree fails.

e. A -Right-of-way corridor canopy replacement plan to mitigate all the tree canopy lost from the project. The plan must identify all trees in the ROW corridor to be removed and to be retained that are considered At-risk or within the limits of disturbance. The plan must include a 3-year maintenance and monitoring plan for replanted trees that includes replacement of trees that fail within the monitoring period. The plan shall demonstrate that all reasonable efforts have been made to replace lost canopy by using the following prioritization of replanting locations:

1 (i) Replanting in the ROW corridor where feasible. "Feasible" as
2 used LFPMC 16.14.040 means the applicant has or will obtain the private
3 property owner's permission, or in the case of ROW, the City's permission,
4 to replant in a location with conditions conducive to growth of a viable tree.

5 (ii) Replanting, where feasible, in preferred off-site replanting areas
6 identified in the ROW corridor permit Off-site Replanting Guide dated
7 _____, 2023.

8 (iii) Replanting, where feasible in other locations within the City
9 limits.

10 (iv) When it can be demonstrated that some portion of the canopy
11 replacement is not feasible by implementing priorities (i), (ii), or (iii), the
12 applicant shall pay a fee-in-lieu of off-site replanting for the remaining lost
13 canopy coverage associated with the ROW corridor project.

14 f. Map(s) depicting the right(s)-of-way and private properties affected by
15 the project and all significant trees (including CRZ and ICRZ) within the
16 limits of disturbance associated with the project. Maps shall also depict
17 significant trees (including CRZ and ICRZ) within the limits of the
18 disturbance. Maps shall also clearly indicate whether trees are proposed
19 for removal or retention.

20 g. Plan for trenching, construction, or an alteration of grades between the
21 critical root zone (CRZ) and the interior critical root zone (ICRZ) of a
22 protected tree; provided, that the tree protection plan approved by the
23 city's qualified arborist demonstrates that the proposed activity will not
24 adversely affect the long-term viability of the tree.

25 7. For all tree removal permit applications, ~~T~~the applicant shall pay the fee
26 established in the city fee schedule. An applicant shall be responsible for all
27 costs associated with the employment of qualified arborists and any review
28 conducted by city employees or city-retained consultants. The administrator may
29 require a deposit to pay for city expenses related to review of the application or
30 inspection after permit approval.

31 Section 3. AMEND. The City Council of the City of Lake Forest Park hereby
32 amends LFPMC 16.14.070, Tree permit approval criteria and conditions, as follows:

33 **16.14.070 Tree permit approval criteria and conditions.**

34 The following are criteria by which ~~minor~~ tree permits in LFPMC 16.14.040, ~~major tree~~
35 ~~permits, proactive forest management permits, and utility forest management permits~~
36 are approved, conditioned, or denied.

...

D. Major Tree Permits. A major tree permit shall be granted if the application satisfies or approval is conditioned to satisfy the following:

1. When the proposed tree removal is not associated with major development activity, trees may be removed if a tree replacement plan is approved that, at a minimum, does the lesser of the following:

a. Maintains the canopy coverage at or above the applicable canopy coverage goal; or

b. Maintains canopy coverage at or above the percentage existing prior to tree removal.

2. When the proposed tree removal is associated with major development activity, the trees may be removed if a tree replacement plan is approved that, at a minimum, brings canopy coverage to the applicable canopy coverage goal.

3. Development proposals associated with a tree permit shall:

a. Incorporate trees as a site amenity and reflect a strong emphasis on tree protection.

b. Demonstrate the following prioritized factors for retention:

i. Existing viable trees in groups or groves;

ii. Exceptional trees or other high quality open-grown, windfirm trees;

iii. Landmark trees;

iv. Trees in critical area buffers, or adjacent to critical area buffers;

v. Trees that are interdependent with and therefore critical to the integrity of groves of other protected trees;

vi. Other individual trees that will be windfirm, high quality trees if retained;

vii. Other trees that provide wildlife or riparian habitat, screening, buffering or other amenities;

viii. Trees that help to protect neighbors' trees from windthrow, or other trees within required yard setbacks or on the perimeter; and

ix. Trees next to parks or other open space areas.

c. Retain a forested look, value, and function after development or modification. Trees should be protected within vegetated islands and groves rather than as individual, isolated trees scattered throughout the site.

d. Consider tree protection opportunities in the design and location of building footprints, parking areas, roadways, utility corridors and other structures.

e. Provide grading plans that accommodate existing trees and avoid alteration to grades around existing significant trees.

4. Conditions necessary to safeguard trees identified for protection.

5. A notice on title, in the form required by LFPMC 16.16.190, shall be recorded by the applicant disclosing the permit and associated tree retention conditions as required by this chapter. A notice on title is required for all major permits associated with major development activity, and for major permits which would cause the property's canopy coverage to fall below the canopy coverage goal.

6. Conditions required by the city's qualified arborist to safeguard at-risk trees throughout the development process.

7. Conditions that require sidewalks, structures, utilities, and roadways to be set back at least five feet from the CRZ, except where such structure is cantilevered or otherwise raised above the ground's surface so as not to disrupt the tree's roots, and the proposed construction is not likely to result in conflicts between the tree and the sidewalk, driveway, structure, or utility that would necessitate the tree's removal during its normal lifespan.

8. Conditions to allow trenching, construction, or an alteration of grades between ~~the five-foot setback from~~ the critical root zone (CRZ) and the interior critical root zone (ICRZ) of a protected tree; provided, that the tree protection plan approved by the city's qualified arborist demonstrates that the proposed activity will not adversely affect the long-term viability of the tree.

...

G. Right-of-way Tree Permits. A right-of-way tree permit shall be granted if the application proposes, or is conditioned such that at least one tree is replanted for each tree removed to provide canopy coverage equal to or greater than the tree(s) being removed, and one of the follow circumstances apply:-

1. The tree(s) is causing obvious physical damage to structures, utilities or other infrastructure, such as building foundations, public sidewalks, roadways, or

1 utilities, and the city's qualified arborist has determined that mitigation action,
2 such as pruning would be not be feasible to minimize further damage; or

3 2. The tree(s) is in such a condition of poor health or poor vigor that removal is
4 justified; or

5 3. The tree(s) is an invasive species, as verified by the city's qualified arborists;
6 or

7 4. The tree(s) cannot be successfully retained, due to unavoidable conflict with
8 public or private construction or development conflict.

9 H. Right-of-way Corridor Project Permits. A right-of-way corridor project permit shall be
10 granted if the application proposes, or is conditioned, to satisfies the following:

11 1. The right-of-way corridor design proposal adequately addresses why the
12 project is designed as proposed rather than an alternative with less impact on
13 tree preservation; and

14 2. All application requirements in LFPMC 16.14.040.C.5 are adequately
15 addressed; and

16 3. The approved ROW corridor replacement plan will result in the replacement of
17 the canopy coverage lost due to the tree removal associated with the project, and
18 includes all items as required for a ROW corridor replacement plan in LFPMC
19 16.14.040(C)(6)(d); and

20 4. The application addresses trenching, construction, or an alteration of grades
21 between the critical root zone (CRZ) and the interior critical root zone (ICRZ) of a
22 protected tree; provided, that the tree protection plan approved by the city's
23 qualified arborist demonstrates that the proposed activity will not adversely affect
24 the long-term viability of the tree.

25 5. A maintenance, monitoring, and watering plan for At-risk trees, including
26 replacement if an At-risk tree fails, is included.

27 IG. Notice of Decision. The approved tree permit must be posted on the subject site in
28 the same manner described in LFPMC 16.14.040(D)(1) and on the same day the permit
29 is issued. For major tree permits, removal may commence 15 days after the issuance of
30 the approved tree permit. For minor tree permits, removal may commence immediately
31 upon posting of the approved tree permit. The tree permit shall remain posted at least
32 one week (seven calendar days) after the approved activity has been completed.

33 JH. Appeals. Appeals of tree permit decisions shall be processed under
34 Chapter 16.26 LFPMC as appeals of ministerial administrative decisions. Appeals must
35 be filed within 14 days following the notice of decision pursuant to LFPMC 16.26.055.

1 K. Minor amendments to an approved tree removal permit may be made with written
2 approval of the administrator and the city's qualified arborist. Major amendments that
3 substantively amend the number of trees to be removed, increase impacts on retained
4 trees, or change conditions imposed within the permit must be noticed pursuant to this
5 section prior to written approval of the major amendment.

6 L. Tree removal permits expire six months (180 days) after the date the permit is
7 issued, unless the city's qualified arborist has approved a proactive forest management
8 permit, utilities forest management permit or the administrator grants one extension of
9 up to six months when the applicant provides a written request prior to expiration that
10 includes a reasonable justification for the extension, such as a financial hardship,
11 hardship in obtaining replacement trees, or weather-related factors that prevent the
12 applicant from completing the requirements of the permit.

13