

### 16.14.030 Definitions

“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 ~~and not be an invasive tree;~~
2. The tree shall exhibit ~~healthful-average~~ vigor for its age and species;
3. The tree shall not be considered a significant risk in regard to ~~existing utilities and structures stationary targets~~ as evaluated per the tree risk assessment defined in LFPMC 16.14.080(A)(1);

(16.14.0809(A)(1) When trees have been determined to be any of the following under a tree risk assessment conducted in accordance with the International Society of Arboriculture Best Management Practices: Tree Risk Assessment (2013), done by a qualified arborist that is certified as a tree risk assessor, and where the risk cannot be reduced to low with mitigation such as pruning, cabling, or bracing:

- a. Moderate risk with significant consequences;
- b. Moderate risk with severe consequences;
- c. High risk; or
- d. Extreme risk.

~~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 The tree can be expected to remain viable with reasonable and prudent management and care.~~

6. Whenever in the judgment of the planning director the presence of a viable exceptional tree makes it impractical to locate a building pad on the lot except by intruding into required setbacks, the planning director may permit a deviation from the front and rear yard zoning setbacks required by this code in line with exception criteria in LFPMC 16.16.240.

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**Table 1: Exceptional Tree Species and Their Threshold Diameters**

Species	Threshold Diameter (DBH)
Bigleaf MAPLE – <i>Acer macrophyllum</i>	<del>42</del> <u>30</u> inches
Douglas FIR – <i>Pseudotsuga menziesii</i>	<del>42</del> <u>40</u> inches
<del>Grand</del> FIR – <i>Abies grandis</i> sp.	33 inches
MADRONA – <i>Arbutus menziesii</i>	12 inches
Western HEMLOCK – <i>Tsuga heterophylla</i>	<del>36</del> <u>30</u> inches
Western Red CEDAR – <i>Thuja plicata</i>	<del>42</del> <u>30</u> inches
Western White PINE – <i>Pinus monticola</i>	<del>36</del> <u>30</u> inches
<u>OAK species (<i>Quercus</i> sp.)</u>	<u>30 inches</u>
<u>All other tree species (excluding invasive trees)</u>	<u>40 inches</u>

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“General tree list” means a list of tree species that is maintained by the city and approved by the city’s qualified arborist for planting as replacement trees, as well as tree species that are prohibited from being planted as replacement trees. This list is amended periodically by the City’s qualified arborist in partnership with the Lake Forest Park Tree Board based on new arboriculture science and emerging pest and disease issues.

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

“Viable (tree)” means a significant tree that a qualified arborist has determined to be in ~~good health~~ [average vigor and condition for its age and species](#) with a low ~~or moderate~~ risk of failure, is relatively windfirm if isolated or exposed, is a species that is suitable for its location, and is therefore worthy of long-term retention.

#### **16.14.060 Tree removal prohibited.**

Tree removal permits shall not be granted for the following:

A. Tree removal likely to cause injury or damage. Removal of significant trees is prohibited if the removal is substantially likely to cause injury or damage to persons or property, as determined by the city’s qualified arborist.

B. Viable exceptional trees. Removal of viable exceptional trees, as defined by this chapter and determined by the city’s qualified arborist, is prohibited.

C. Five-year major development activity restriction. Removal of viable significant trees is prohibited on properties that have undergone major development activity within the last five years and for which no new major development activity or minor development activity is proposed [unless the tree is considered a significant risk in regard to stationary targets as evaluated per the tree risk assessment defined in LFPMC 16.14.080.](#)

D. Removal of viable significant trees in a tree conservation easement, described in LFPMC [16.14.090\(D\)\(4\)](#), is prohibited unless the proposal is consistent with regulations for tree removal in environmentally critical areas, LFPMC [16.14.080](#). (Ord. 1152 § 1, 2017)

#### **16.14.100 Reasonable use exception.**

A. If the application of this chapter will prevent any reasonable economic use of the owner’s property, then the applicant may apply to the planning department for an exception from the requirements of this chapter.

B. The administrator shall forward the application, along with the record submitted to the city and the administrator’s recommendation, to the hearing examiner for a Type I decision under Chapter [16.26 LFPMC](#).

C. The hearing examiner shall grant a reasonable use exception only if:

1. Application of the requirements of this chapter will deny all reasonable economic use of the property; and

2. There is no other reasonable economic use with less impact; and

3. The proposed development does not pose an unreasonable threat to the public health, safety, or welfare, on or off the proposed site, and is consistent with the general purposes of this chapter; and

4. The alteration proposed is the minimum necessary to allow for reasonable economic use of the property.

D. To the extent feasible, all tree replacement shall be at a ratio of three times the canopy coverage proposed for removal. If on-site canopy coverage replacement is not feasible, off-site replanting shall be used to the extent on-site replacement is not feasible.

E. Conditions of approval shall be subject to the approval criteria in LFPMC [16.14.070\(D\)](#), to the extent feasible.

F. The hearing examiner shall grant an exception from the requirements of this chapter only to the minimum necessary extent to allow for reasonable economic use of the applicant's property.

G. The hearing examiner shall consider conditioning any exception from the requirements of this chapter upon conditions recommended by the city and upon compliance with any mitigation plan approved by the city. (Ord. 1152 § 1, 2017)

#### **16.14.040 Tree Removal – Application for permits and posting requirements**

c. 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, and any trees replanted in the rights-of-way shall be from the "Chapter [16.14](#) LFPMC – General Tree List For Lake Forest Park" ~~15' to 30'+ Height~~ dated June 22, 2023, or as otherwise amended.

e. A ROW 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. Any tree replanted in the ROW corridor shall be from the "Chapter [16.14](#) LFPMC – General Tree List For Lake Forest Park" ~~15'-30'+ height~~ dated June 22, 2023, or as otherwise amended. The plan must include a three-year maintenance and monitoring plan for replanted trees that includes replacement of trees that fail within the monitoring period. The plan shall provide documentation showing that all reasonable efforts have been made to replace lost canopy by using the following prioritization of replanting locations:

