

1 Highlighted information has been added or amended since
2 Council's May 22, 2023, meeting.
3

4
5 **ORDINANCE NO. 23-1269**
6

7 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF**
8 **LAKE FOREST PARK, WASHINGTON, AMENDING**
9 **CHAPTER 16.14 OF THE LAKE FOREST PARK**
10 **MUNICIPAL CODE, TREE CANOPY PRESERVATION AND**
11 **ENHANCEMENT; PROVIDING FOR SEVERABILITY, AND**
12 **ESTABLISHING AN EFFECTIVE DATE.**
13

14
15
16 **WHEREAS**, trees in Lake Forest Park serve an important role and it is the policy
17 of the City to provide a diverse, healthy tree canopy for future generations; maximize
18 the benefits provided by trees and their understory vegetation; mitigate economic,
19 environmental, and community consequences of tree loss; provide regulations that
20 result in no net loss of tree canopy coverage; allow reasonable use of property; promote
21 retention of existing viable, mature trees over removal and replacement; and protect
22 exceptional trees; and
23

24 **WHEREAS**, and the City Council has previously adopted Chapter 16.14 of the
25 Lake Forest Park Municipal Code ("LFPMC"), Tree Canopy Preservation and
26 Enhancement to carry out these policies; and
27

28 **WHEREAS**, Chapter 16.14 LFPMC does not currently include a comprehensive
29 regulatory program for large scale projects that necessitate removal of trees with the
30 right-of-way and adjacent private lots; adoption of such regulations would further the
31 goals of the City as well as provide a well-defined permitting path for applicants; and
32

33 **WHEREAS**, provision in Chapter 16.14 LFPMC used to regulate small scale
34 projects that seek removal of trees in the right-of-way would also benefit from additional
35 detail and clarity;
36

37 **WHEREAS**, an Environmental Checklist for a non-project action was prepared
38 under the State Environmental Policy Act, Chapter 43.21C RCW, pursuant to Chapter
39 197-11 WAC, and a Determination of Non-Significance ("DNS") was issued on _____,
40 2023; and
41

42 **WHEREAS**, in accordance with the requirements set forth in RCW 36.70A.106,
43 the City provided the Washington State Department of Commerce notice of the City's
44 intent to adopt the proposed amendments on _____, 2023, and received notice that the
45 Department had granted expedited review on _____; and
46

1 **WHEREAS**, the City's Tree Board held a public meeting on May 3, 2023, to
2 discuss amendments to Chapter 16.14 LFPMC; and

3
4 **WHEREAS**, the City Council held public meetings to discuss amendments to
5 Chapter 16.14 LFPMC on April 13, 2023, May 22, 2023, June 8, 2023, and ____; and

6
7 **WHEREAS**, the City Council held a public hearing on _____, 2023, regarding
8 the proposed ordinance.

9
10 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE FOREST**
11 **PARK, WASHINGTON, DO ORDAIN AS FOLLOWS:**

12
13 Section 1. AMEND. The City Council of the City of Lake Forest Park hereby
14 amends LFPMC 16.14.030, Definitions, as follows:

15 **16.14.030 Definitions.**

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

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

18 "At-risk tree" means a tree that is exposed to potential damage but can be preserved
19 during the construction process of major or minor development, through strict
20 adherence to recommendations from the city's qualified arborist.

21 "Best management practices (BMPs)" means adherence to tree health care standards
22 detailed in the current edition of the American National Standards Institute (ANSI) A300
23 and the current edition of the International Society of Arboriculture (ISA) BMPs including
24 the special companion publication to the ANSI A300, Best Management Practices for
25 Utility Pruning of Trees.

26 "Caliper" means the industry standard for measurement of nursery stock size. Caliper is
27 measured six inches above the root collar for nursery stock four inches in diameter and
28 smaller.

29 "Canopy" means the part of the tree crown composed of leaves and small twigs or the
30 collective branches and foliage of a group of trees' crowns.

31 "Canopy coverage" means the area covered by the canopy of trees on the lot. When a
32 tree trunk straddles a property line, 50 percent of the canopy shall be counted towards
33 each property's canopy coverage. The canopy coverage of the immature trees and
34 newly planted trees is determined using the projected canopy areas in the Lake Forest
35 Park general tree list.

36 "Critical root zone (CRZ)" means the International Society of Arboriculture (ISA)
37 definition of CRZ as an area equal to one-foot radius from the base of the tree's trunk
38 for each one inch of the tree's diameter at 4.5 feet above grade (referred to as diameter

1 at breast height). Example: A 24-inch diameter tree would have a critical root zone
2 radius (CRZ) of 24 feet. The total protection zone, including trunk, would be 50 feet in
3 diameter.

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

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

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

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

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

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

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

- 22 1. The tree must be included in and have a diameter at breast height (DBH) that
23 is equal to or greater than the threshold diameters listed in Table 1;
- 24 2. The tree shall exhibit healthful vigor for its age and species;
- 25 3. The tree shall not be considered a significant risk in regard to existing utilities
26 and structures as evaluated per the tree risk assessment defined in LFPMC
27 16.14.080(A)(1);
- 28 4. The tree shall have no visual structural defects that cannot be mitigated by one
29 or more measures outlined in the International Society of Arboriculture Best
30 Management Practices; and
- 31 5. If retained under current tree growth conditions, the tree can be expected to
32 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
- 2 “Forest health emergency” means the introduction of, or an outbreak of, an exotic forest
3 insect or disease that poses an imminent danger of damage to the environment by
4 threatening the survivability of native tree species, as defined in Chapter 76.06 RCW.
- 5 “General tree list” means a list of tree species that is maintained by the city and
6 approved by the city’s qualified arborist for planting as replacement trees, as well as
7 tree species that are prohibited from being planted as replacement trees.
- 8 “Grove” means a contiguous grouping of trees with overlapping canopies that are 12
9 inches DBH or greater and that occupy no less than 7,000 square feet or more in size.
- 10 “Interior critical root zone (ICRZ)” means an area encircling the base of a tree equal to
11 one-half the diameter of the critical root zone. Disturbance of this area beneath a tree
12 would cause significant impact to the tree, potentially life threatening, and would require
13 maximum post-care treatment to retain the tree.
- 14 “Invasive tree” means a tree listed as a weed of concern in Chapter 16-750 WAC,
15 Chapter 17.10 RCW, or by King County in its noxious weed list.
- 16 “Landmark tree” means a significant tree that is at least 24 inches in diameter (DBH).
- 17 “Limits of disturbance” means the boundary between the area of minimum protection
18 around a tree and the allowable site disturbance as determined by the city’s qualified
19 arborist.

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

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

11 “Multi-stemmed tree” means a tree that has one stem at ground level but that splits into
12 two or more stems above ground level. Trees whose stems diverge below ground level
13 are considered separate trees. Where a tree splits into several trunks below typical
14 DBH, the DBH for the tree is the square root of the sum of the DBH for each individual
15 stem squared (example with three stems: $DBH = \text{square root of } [(stem 1)^2 + (stem 2)^2 +$
16 $(stem 3)^2]$).

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

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

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

24 “Off-site replanting program” for utility forest management plans means, a utility-funded,
25 city-approved, tree replacement program that provides monies or vouchers to adjacent
26 property owners or the city to effectuate tree replacement, which may or may not be
27 within the utility corridor or right-of-way. For ROW corridor canopy replacement plans
28 this means an agency funded, city approved, tree replacement program that provides
29 monies to a qualified third party to effectuate tree replacement outside the ROW
30 corridor.

Commented [KA2]: Additional information to be provided regarding programs other cities and ST have used.

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

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

37 “Protected tree” means a tree and associated understory vegetation identified for
38 retention and protection on an approved tree protection and replacement plan and/or

1 permanently protected by easement, tract, or covenant restriction. Property owners are
2 responsible for protected trees remaining viable and achieving their 30-year maturity
3 goals, including normal care, maintenance, and pruning. Should a protected tree
4 become diseased to the point that it must be removed or die, the property owner is also
5 responsible for replacing the tree with a tree or trees that will achieve the original
6 canopy coverage for which the protected tree was planted to achieve.

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

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

19 “Right-of-way corridor (ROW corridor)” means, within the jurisdiction of the City, the
20 public right-of way plus the area within 1000 linear feet on either side of the right-of-way
21 boundary lines where trees in the right-of-way are removed. Where the 1000 feet
22 includes portions of Lake Washington, that waterward portion shall be added to the
23 other side of the ROW corridor so that a corridor width of 2000 linear feet plus the ROW
24 width is established for the length of the project and it only includes upland areas.

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

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

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

36
37 “Street tree” means any planted tree on public rights-of-way.

38
39 “Target” or “risk target” means people, property, or activities that could be injured,
40 damaged, or disrupted by a tree.

1
2 “Topping” means the removal of the primary leader or the whole top of a tree.
3
4 “Tree” means a self-supporting woody plant characterized by one main trunk or, for
5 certain species, multiple trunks, typically reaching at least 20 feet in height at maturity
6 that is recognized as a tree in the nursery and arboricultural industries.
7
8 “Tree removal” means the direct or indirect removal of a tree(s) through actions
9 including, but not limited to: clearing, cutting, girdling, topping, or causing irreversible
10 damage to roots or stems; destroying the structural integrity of trees through improper
11 pruning; poisoning; filling, excavating, grading, or trenching within the dripline that
12 results in the loss of more than 20 percent of the tree’s root system; or the removal
13 through any of these processes of greater than 50 percent of the live crown of the
14 significant tree.
15
16 “Tree risk assessment” means the systematic process to identify, analyze, and evaluate
17 tree risk. Tree risk assessment shall be conducted in accordance with the latest version
18 of the ISA Best Management Practices Guide.
19
20 “Tree risk assessor” means a qualified arborist who identifies subject tree(s) and site
21 conditions, evaluates and classifies the likelihood of failure, estimates the
22 consequences of tree(s) hitting a target, and determines options for treatment or
23 mitigation. The city of Lake Forest Park requires that tree risk assessors be ISA Tree
24 Risk Assessment Qualified.
25
26 “Understory vegetation” means small trees, shrubs, and groundcover plants, growing
27 within the dripline or critical root zone (CRZ) of a significant tree.
28
29 “Utility forest management plan” means a proactive plan that is concurrent with a utility’s
30 franchise agreement and right-of-way permit(s) for maintenance and management of
31 trees in a utility corridor, right-of-way, or private property that includes the utility’s
32 qualified arborist’s approach for maintenance and pruning, tree removal and off-site
33 replanting, and a commitment to inventorying emergency tree removals.
34
35 “Viable (tree)” means a significant tree that a qualified arborist has determined to be in
36 good health with a low risk of failure, is relatively windfirm if isolated or exposed, is a
37 species that is suitable for its location, and is therefore worthy of long-term retention.
38
39 “Wildlife habitat tree” means the remaining trunk of a dead, dying, diseased, or hazard
40 tree that is reduced in height and stripped of all live branches. To be considered as a
41 wildlife habitat tree, the tree must be at least 12 inches DBH and 20 feet tall. The actual
42 wildlife habitat tree height must consider the surrounding targets.
43
44 “Windfirm” means a tree that is healthy and well-rooted and the city’s qualified arborist
45 has evaluated and determined that it can withstand normal winter storms in Lake Forest
46 Park.

1
2 Section 2. AMEND. The City Council of the City of Lake Forest Park hereby amends
3 LFPMC 16.14.040, Tree removal – Application for permits and post required, as follows:
4
5

6 **16.14.040 Tree removal – Application for permits and posting required.**

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

10 B. Permit Categories.

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

16 a. When two or fewer significant trees are proposed for removal within any
17 36-month period, unless the trees are protected trees or are located in an
18 environmentally critical area or buffer; or

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

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

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

28 2. Major Tree Permit. ~~A major tree permit is required for t~~Free removal with
29 ~~review by the city's qualified arborist under in~~ the following circumstances:

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

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

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

- d. When any major development activity is proposed;
- e. When any minor development activity is proposed within the critical root zone (CRZ) of significant trees; or
- f. When trees are proposed for removal on a property on which major 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. Notice and posting of this application will comply with the requirements for either Minor or Major tree permits depending on whether the facts of the application fall within B.1 or B.2.

6. Right-of-way Corridor Project Permit. A ROW 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.

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

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

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

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

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

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

14 a. Either a site plan including the surveyed location of tree(s) proposed for
15 removal in relationship to property lines adjacent to the right-of-way; or
16 authorization from all owners where a tree, or portion thereof, is proposed
17 for removal;

Commented [KA3]: Combined what was a. and b.

18 b. A canopy coverage study or reliable information that allows the
19 projected canopy loss to be determined; and

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

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

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

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

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

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

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

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

13 (ii) Replanting, where feasible, in preferred off-site replanting areas
14 identified in the ROW Corridor Off-site Replanting Areas dated _____,
15 2023.

16 (iii) Replanting, where feasible in other locations within the City
17 limits.

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

22 OR

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

27 (ii) At applicant's option: where replanting is not feasible in the
28 ROW corridor, replanting consistent with an Off-site replanting program, or
29 replanting, where feasible, in preferred off-site replanting areas identified
30 in the ROW Corridor Off-site Replanting Areas dated _____, 2023

31 f. Map(s) depicting the right(s)-of-way and private properties affected by
32 the project and all significant trees (including CRZ and ICRZ) within the
33 limits of disturbance associated with the project. Maps shall also depict
34 significant trees (including CRZ and ICRZ) within the limits of the
35 disturbance. Maps shall also clearly indicate whether trees are proposed
36 for removal or retention.

Commented [KA4]: 2 options being proposed A)
Council could include prioritization list (i) through (iv), or
B) Council include a prioritization list that only includes
the highlighted (i) and (ii).

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

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

12 **D.** Application Posting Requirements – Notice of Application. Notice of application for all
13 permits identified above shall be posted on site, in a place where it can be read from the
14 nearest public street. If the property is located on a private street, notices shall be
15 posted on site, in a place where it can be read from the private street, as well in a place
16 where it can be read from the nearest public street.

17 1. For minor tree permits, the notice of application shall be posted for a minimum
18 of two full business days prior to permit decision, and shall remain posted until a
19 decision is issued.

20 2. For major tree permits, the notice of application shall be posted for a minimum
21 of 14 full calendar days prior to permit decision, and shall remain posted until a decision
22 is issued.

23 3. When the proposal involves removing five or more trees and constitutes 50
24 percent or more of the canopy on the subject lot, notice of application and public
25 comment procedures shall comply with LFPMC [16.26.040](#)(D)(1) and (E)(1).

26 4. When the number of trees proposed for removal increases after the notice of
27 application has been posted or the permit has been approved, all tree removal activity
28 must cease and the applicable notice of application procedure shall be repeated in full
29 for the revised application.

30 5. For proactive forest management permits, the associated minor tree permits
31 must be posted on the subject site in the same manner described in subsection (D)(1)
32 of this section each time tree removal occurs, and must remain posted for at least seven
33 calendar days after the approved activity has been completed.

34 6. For utility forest management permit, no posting requirements are required
35 additional to those found in RCW [64.12.035](#).

36 7. For ROW corridor project permits, notice of application and public comment
37 shall comply with LFPMC 16.26.040(D)(1) and (E)(1).

Commented [KA5]: Subsection D. added since review on 5/22 and subsection 7 proposed for addition to the chapter.

Commented [KA6]: This is the same notice and public comment as in D(3) for removal of 5 or more trees/50 % canopy.

16.26.040(D)(1) provides:

D. Notice of Application.

1. The code administrator shall provide notice of application within 14 calendar days of issuance of the notice of complete application by:

a. Publication in a newspaper of general circulation in the city of a notice containing the date of the application, the date of the notice of complete application, the date of any public hearing, describing the project, its location, other city permits or approvals sought or required, and providing the address where the complete application file may be reviewed;
b. Mailing to agencies with jurisdiction, owners of real property within 300 feet of the project site, each person or organization which has requested such notice for the calendar year and paid any applicable fee as established by the council, and to the chairs of the planning commission and the environmental quality commission, a notice which includes:

i. The date of the application and of the notice of complete application,

ii. The project description and location,

iii. City permits or approvals sought,

iv. The date of any public hearing, and

v. The code administrator may include other information to the extent known at the time of notice of application, such as any decision under the State Environmental Policy Act, related permits required by other agencies or jurisdictions, identification of studies requested for application review, existing environmental documents applicable to the project, and a statement of the preliminary determination, if one has been made, of those development regulations that will be used for project mitigation; and
c. Posting one sign immediately adjacent to each street frontage on or immediately adjacent to the site for any site specific application. The code administrator shall establish standards for size, color, layout, design, and wording of the signs and approve the location of the signs; provided, that no sign shall be posted higher than six feet from ground level;

16.26.040(E)(1) provides:

E. Minimum Comment Period.

1. The notice of application shall be subject to a minimum comment period of 14 calendar days from the date of publication. The code administrator's recommendation or decision will not be issued prior to the expiration of the comment period.

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

3 **16.14.070 Tree permit approval criteria and conditions.**

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

7 ...

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

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

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

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

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

20 3. Development proposals associated with a tree permit shall:

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

23 b. Demonstrate the following prioritized factors for retention:

24 i. Existing viable trees in groups or groves;

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

27 iii. Landmark trees;

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

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

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

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

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

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

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

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

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

17 4. Conditions necessary to safeguard trees identified for protection.

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

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

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

34 ...

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

5 1. The tree(s) is causing obvious physical damage to structures, utilities or other
6 infrastructure, such as building foundations, public sidewalks, roadways, or
7 utilities, and the city's qualified arborist has determined that mitigation action,
8 such as pruning would be not be feasible to minimize further damage; or

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

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

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

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

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

20 2. All application requirements in LFPMC 16.14.040.C.6 are adequately
21 addressed; and

22 3. The approved ROW corridor replacement plan will result in the replacement of
23 the canopy coverage lost due to the tree removal associated with the project, and
24 includes all items as required for a ROW corridor replacement plan in LFPMC
25 16.14.040(C)(6)(e); and

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

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

33 I. Notice of Decision. The approved tree permit must be posted on the subject site in
34 the same manner described in LFPMC 16.14.040(D)(1) and on the same day the permit
35 is issued. For major tree permits, removal may commence 15 days after the issuance of
36 the approved tree permit. For minor tree permits, removal may commence immediately

1 upon posting of the approved tree permit. The tree permit shall remain posted at least
2 one week (seven calendar days) after the approved activity has been completed.

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

6 ~~KI.~~ Minor amendments to an approved tree removal permit may be made with written
7 approval of the administrator and the city's qualified arborist. Major amendments that
8 substantively amend the number of trees to be removed, increase impacts on retained
9 trees, or change conditions imposed within the permit must be noticed pursuant to this
10 section prior to written approval of the major amendment.

11 ~~LJ.~~ Tree removal permits expire ~~six months (180 days)~~ after the date the permit is
12 issued, unless one of the following apply:

13 1. the city's qualified arborist has approved a proactive forest management
14 permit, utilities forest management permit, or ROW corridor project permit; or

15
16 1.2. the administrator grants one extension of up to 180 days ~~six months~~ when
17 the applicant provides a written request prior to expiration that includes a
18 reasonable justification for the extension, such as a financial hardship,
19 hardship in obtaining replacement trees, or weather-related factors that
20 prevent the applicant from completing the requirements of the permit.

21 ...

22 **16.14.110 Tree maintenance.**

23 A. All protected trees and required replacement trees, so designated on an approved
24 permit and replanting plan, shall be maintained in healthy condition by the property
25 owner unless otherwise approved by the city in a subsequent permit. If the canopy
26 coverage falls below the approved coverage granted by latest tree removal permit, the
27 property owner will be required to plant replacement trees to achieve the approved
28 canopy requirements.

29 B. Pruning.

30 1. Significant and protected trees, as defined in this chapter, shall not be topped.

31 2. Street trees shall be pruned only under the supervision of the Lake Forest Park
32 public works department.

33 3. Pruning and maintenance of protected trees shall be consistent with the ANSI
34 A300 standards and ISA best management practices for proper pruning.

Commented [KA7]: 16.14.110 not previously included in draft ordinance. Propose discussion of 16.14.110(B)(2) as time allows.