



**City of Lake Forest Park  
CITY COUNCIL COMMITTEE OF THE WHOLE MEETING  
MONDAY, October 24, 2016  
Lake Forest Park City Hall  
17425 Ballinger Way NE  
6:00 p.m.**

**AGENDA**

**6:00 p.m.**            **Call to Order**  
                         **Pledge of Allegiance**

**Council Discussion Topics**

1. Proposed Tree Ordinance: Receive draft tree ordinance revisions from Planning Commission; Q & A session with Planning Commissioners in attendance and Director of Planning and Building; review legal aspects and property/common rights issues with City Attorney  
1 – 1-1/2 hour
  
2. Identify CoW discussion items through Q-1 2017  
15 minutes

**8:00 p.m.**            **Adjourn**

**Future Schedule**      Thursday, October 27, 2016 Council Regular Business Meeting 7 pm  
                                 Thursday, November 3, 2016 Council Budget & Finance Committee Special Meeting 6:00 p.m.  
                                 Thursday, November 10, 2016 Council Work Session Meeting 6 pm  
                                 Thursday, November 10, 2016 Council Regular Business Meeting 7 pm  
                                 Thursday, November 17, 2016 Council Special Meeting 7 pm



## **Memorandum**

**To:** City Council

**Cc:** Jeff Johnson, Mayor  
Pete Rose, City Administrator  
Steve Bennett, Planning and Building Director

**From:** Planning Commission

**Date:** October 19, 2016

**Re:** Recommended Tree Regulations Update

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Since being officially asked by the Council on February 11, 2016 to proceed with the update of the City's tree regulations, the Commission has reviewed and considered changes to the regulations at 10 regular meetings that were open to the public. The Commission also benefited from the Council's guidance during the joint session on April 25, 2016 and from citizens' comments provided by the Tree Board's community outreach as well as the comments and ideas received at the July 26, 2016 public open house hosted by the Planning Commission. Discussion during the Commission's meetings generally led to resolutions that address the majority of concerns raised by the Council, Tree Board and the public, however, there are some issues that may need further attention and refinement by the Council.

### **In-lieu Fee**

Frustration with developers using the in-lieu fee option instead of planting replacement trees was a prominent theme during open house. Existing regulations lead developers to opt for paying in-lieu fees, which are frequently less expensive than posting a bond and planting replacement trees.

The update addresses this issue with a graduated in-lieu fee structure making it progressively more expensive the more trees that are removed and not replaced on site. For up to four significant trees (less than 24" DBH) the base in-lieu fee is applied. For removal of five or more trees, replacement fees would be triple. This approach of triple replacement plantings has been used by other cities and was recommended by the City's Interim Arborist. This update also eliminates the tree maintenance bond and replaces it with a requirement for a three-year arborist inspection and reporting program to ensure proper maintenance after building occupancy sign-off.

There was consensus that there should not be an option to pay an in lieu fee instead of planting a tree tract (renamed tree conservation easement in the update) with the requisite trees to reach 100% canopy. The Commission was split, however, on removing the in lieu fee option for major development. Removing the option for only subdivision of land was also discussed but did not have majority support. The update's definition of "Major Development Activity" includes subdivision or short subdivision of lots; construction or demolition of single family, multi-family or commercial buildings; and alterations, repairs, enlargements or additions of non-conforming structures for more than 50% of fair market value as defined in LFPMC 18.66.050. If the in lieu fee option is removed, proposals involving the activities listed above would be required to replace canopy coverage according to the goals established by lot size. The three code sections addressing this issue are in 16.14.080.C(10), E, and J.

Half the Commission feels that having an in lieu option for all tree permits can be workable as long as the fee represents a significant cost that will make the applicant seriously consider replacement as a viable option. The other half believes replacement should be the only option for major development activity since it is the only path that will return newly developed areas to a state that is similar to surrounding areas.

### **Forest Areas**

Remnant old growth forest areas have been identified as part the city's canopy by former City Arborist, Mike Woodbury, and protection of these areas as sensitive areas was suggested by citizens during the open house. While the Commission recognizes the value of protecting such areas, addressing this issue does not appear to be within the scope of the Commission's charge from the Council. There is not a clear model for how to pursue this goal as part of the tree regulations. Tree protection areas would need to be identified and mapped prior to establishing such regulations. Council may wish to consider this concept during the upcoming reviewing of updates to the Sensitive Area regulations (LFPMC 16.16).

### **Trees in the right-of-way**

Commissioners deliberated over whether trees in the right-of-way (ROW) should count toward the total canopy for each lot. The recommended update reflects the majority opinion that, since property owners are responsible for managing the trees in the right-of-way, ROW canopy should count towards the total canopy for each lot and thereby incentivize better care of those trees. The current regulations only count trunks within the boundaries of the subject lot. Commissioners that did not support counting ROW trees toward a lot's canopy are concerned that this may negatively affect overall canopy for the city.

### **30-Year average for canopy at full-growth**

There were also comments during the open house expressing frustration with the projected timeframe associated with tree replacement standards. A replacement tree planted today is not required to replace the lost canopy for 30 years. Commissioners consulted with Mr. Woodbury, who researched the issue on the USDA website and recommended retaining the 30-year timeframe. The Commission has followed Mr. Woodbury's guidance since it is based upon an average full-growth age for the diverse

range of regional tree species and to avoid incentivizing the planting of fast-growing, low quality trees.

### **Front yard tree protection and enhancement**

Although a number of citizen comments addressed improving front yard canopy and tree protection, the Commission was not able to devise a tree protection or tree replacement provision that directly emphasizing front yards. Counting trees in the right-of-way towards the lot's canopy gives an indirect incentive to retain those trees. Other cities address this goal with road standards that require trees to be planted within the right-of-way. The City adopted the King County Road Standards which do not include such a requirement.

Aspiring to a forested ambience in the pedestrian environment is part of a “complete streets” concept that could be addressed with future regulatory updates including the subdivision code or road standards. The LFP 2015 Comprehensive Plan promotes the idea of complete streets in the following policies:

Policy LU-6.3 Recognize that the character of public rights-of-way play a role in determining community character. Wherever feasible, promote complete streets and incorporate streetscape improvements, such as wayfinding signs, lighting, public art, enhanced landscaping, and street furniture, to enhance community character.

Policy T-4.3 Fund “complete streets” and pathways, while also maintaining existing infrastructure.

### **Landmark tree replacement**

In response to community desires to incentivize the retention of landmark trees wherever possible, the update includes a provision that requires replacement of every viable landmark tree with double the canopy lost, regardless of remaining canopy coverage on the lot. This means that, no matter how many trees exist on a lot, removing a viable tree larger than 24” DBH would always require replacement trees that would, at full growth, provide twice the canopy of the removed tree. Commissioners discussed whether the consequences of this provision would be fair to property owners who are already maintaining a canopy coverage in excess of the goal for their lot size.

### **Addressing community concerns about public information on tree permits**

Commissioners and City staff have identified steps that are already being implemented to increase the public's access to information about tree permitting activity. For projects triggering the new community meeting requirement, developers will be required to share tree removal and replacement plans with meeting attendees. In addition, tree removal and replacement plans and arborist reports are being posted on the Planning Department's Notices page for development proposals that involve are tree removal.

In closing, Planning Commissioners would like to express their gratitude to the many who have contributed to the tree regulations update including the LFP residents, the Council, the Tree Board, and City staff.

**PLANNING COMMISSION RESOLUTION NO. 16-02**

**A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF LAKE FOREST PARK, WASHINGTON  
REGARDING THE AMENDMENT OF THE LAKE FOREST  
PARK MUNICIPAL CODE CHAPTER 16.14**

WHEREAS, the City of Lake Forest Park has the authority to adopt ordinances for the general welfare of its citizens; and

WHEREAS, Chapter 16.14 of the Lake Forest Park Municipal Code (“LFPMC”) contains development regulations for tree canopy preservation and enhancement; and

WHEREAS, the City has determined that amendments to the LFPMC Chapter 16.14 are necessary; and

WHEREAS, over the last year and a half, the City of Lake Forest Park has worked with the community and forestry experts to review the current tree regulations, and the City’s Planning Commission has studied this matter at work sessions that were open to the public on March 8, 2016; April 12, 2016; May 10, 2016; June 14, 2016; July 12, 2016; August 9, 2016; September 13, 2016; September 27, 2016; October 12, 2016; and October 19, 2016; as well as held a well-attended open house on July 26, 2016 to gather feedback from the community; and

WHEREAS, public hearings on this matter were held on September 8 and 22, 2016 before the Lake Forest Park City Council and the Council adopted a six-month moratorium on certain types of tree removal permits; and

WHEREAS, the Planning Commission wishes to complete its work in order to give the City Council sufficient time during the moratorium to review, analyze and adopt appropriate regulations for tree canopy preservation and enhancement; and

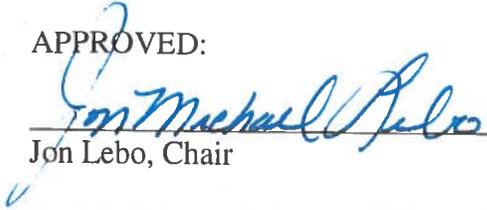
WHEREAS, the Planning Commission finds that the proposed regulations established in Attachment A substantially address the areas of concern that have been brought to the Commission’s attention;

**NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION  
OF THE CITY OF LAKE FOREST PARK TO RECOMMEND AS FOLLOWS TO THE  
CITY COUNCIL:**

Consider for adoption the proposed amendments to the Lake Forest Park Municipal Code in Attachment A replacing the existing Chapter 16.14.

PASSED BY A MAJORITY VOTE of the members of the City of Lake Forest Park Planning Commission this 19<sup>th</sup> day of October, 2016, and signed into authentication this 20th day of October, 2016.

APPROVED:

  
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Jon Lebo, Chair

1 **Attachment A to Planning Commission Resolution 16-02**

2  
3 **Chapter 16.14**  
4 **TREE CANOPY PRESERVATION AND ENHANCEMENT**

5 Sections:

- 6 [16.14.020](#) Purpose and intent.  
7 [16.14.030](#) Definitions.  
8 [16.14.040](#) Tree removal – Application for permits and posting required.  
9 [16.14.050](#) Tree Removal Criteria.  
10 [16.14.060](#) Qualified Tree Professional.  
11 [16.14.070](#) Standards for Permit Approval.  
12 [16.14.080](#) Tree retention and replacement standards.  
13 [16.14.090](#) Tree protection and design measures.  
14 [16.14.100](#) Tree maintenance.  
15 [16.14.110](#) City tree account.  
16 [16.14.120](#) Enforcement.  
17 [16.14.130](#) Requirements for tree services and others doing land clearing and tree removal.  
18 [16.14.140](#) Liability.

19 **16.14.020 Purpose and intent.**  
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20 The purpose and intent of this chapter is to:

21 A. Implement certain strategies for the management and protection of Lake Forest Park's urban forest  
22 resources described in those goals and policies of the Lake Forest Park Community Forest Management Plan  
23 that were accepted by the City Council;

24 B. Preserve and enhance the tree canopy of Lake Forest Park by encouraging the protection of existing trees  
25 and stands of trees, and the replanting of new trees to replace those lost to old age, storms, development and  
26 other maladies;

27 C. Mitigate the economic, environmental, and aesthetic consequences of tree loss through protection and tree  
28 planting on public and private lands;

- 1 D. Provide guidelines to protect trees from adverse impacts during construction;
- 2 E. Encourage project designs that utilize existing trees in the landscape, or allow replacement of select native
- 3 tree species to maintain the forested feel of Lake Forest Park;
- 4 F. To protect private property rights and allow property owners to make reasonable use of their property while
- 5 protecting suitable and appropriate trees for that site; and
- 6 G. Maintain and protect the public health, safety, and general welfare.

7 **16.14.030 Definitions.**

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

9 “Administrator” means the planning director or the planning director’s designee.

10 “At-Risk tree” means a tree that is exposed to potential damage but can be preserved during the construction  
11 process of Major or Minor Development, through strict adherence to recommendations from the City’s Qualified  
12 Tree Professional.

13 “Best management practices (BMPs)” means adherence to tree health care standards detailed in the current  
14 edition of the American National Standards Institute (ANSI) A300 and the current edition of the International  
15 Society of Arboriculture (ISA) BMPs, including but not restricted to the following elements of tree protection and  
16 care:

17 1. Avoidance of physical damage to tree roots, stem, branches, and foliage, including, but not limited to,  
18 topping;

19 2. Prevention of soil compaction from equipment operation and placement or storage of construction  
20 materials in the vicinity of the critical root zone (CRZ);

21 3. Protection of the critical root zone (CRZ) of saved trees from changes in drainage that impact soil  
22 moisture content;

23 4. Protection of existing trees from the impacts of exposure caused by removal of adjacent trees; and

24 5. Plant health care practices as published by the International Society of Arboriculture in their series of  
25 best management practices for the various aspects of tree care.

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

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

5 "Canopy coverage" means the area covered by the canopy of trees on the lot and in the adjacent right-of-way.  
6 When a tree trunk straddles a property line, 50% of the canopy shall be counted towards each property. The  
7 canopy coverage of the immature trees and newly planted trees is determined using the projected canopy  
8 areas in the Lake Forest Park general tree list.

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

13 "Crown" means that portion of the trees stem that is occupied by branches with live foliage.

14 "DBH" is an acronym for tree diameter at breast height which means the diameter of existing trees measured  
15 4.5 feet above the ground line on the high side of the tree. For the purposes of code enforcement, if a tree has  
16 been removed and only the stump remains, the size of the tree shall be the diameter of the top of the stump  
17 adjusted to DBH using published tables or regression curves.

18 "Dead Tree" means a tree with no live crown and no functioning vascular tissue.

19 "Demolition" means the complete tearing down, razing, or removal of a building or structure. A building is  
20 considered demolished even if the foundation remains.

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

23 "Exceptional Tree" means a tree, which because of its species, age, size or condition, is of significant cultural,  
24 landscape, or nature conservation value, as determined by the City's Qualified Tree Professional.

25 "Five-Year Forest Management Plan" means a plan for tree removal, tree planting, tree maintenance and forest  
26 enhancement over the course of five years. A Five-Year Forest Management Plan cannot be associated with  
27 Major Development Activity.

1 “General tree list” means a list of trees species that is maintained by the City and approved by the City’s  
2 Qualified Tree Professional for planting as replacement and mitigation trees. The general tree list also  
3 establishes which tree species that are prohibited from being planted as replacement and mitigation trees. The  
4 general tree list may also contain additional information that is deemed by the City to be the basis for  
5 determining how many replacement trees may be required to meet the standards of this chapter.

6 “Hedge Tree” means a tree, typically in a row of similar tree type that is maintained to a certain height to act as  
7 a screen.

8 “Impact” means a condition or activity that affects a part of a tree including the trunk, branches, and roots within  
9 the dripline or critical root zone (CRZ).

10 “Landmark tree” means a tree that is at least 24 inches in diameter (DBH). For multi-stemmed trees, if the three  
11 largest stems, when summed, are at least 24 inches in diameter (DBH), the tree shall be considered a  
12 Landmark Tree. For trees with two stems, if the stems, when summed, are at least 24 inches in diameter  
13 (DBH), the tree shall be considered a Landmark Tree.

14 “Limits of disturbance” means the boundary between the area of minimum protection around a tree and the  
15 allowable site disturbance as determined by the City’s Qualified Tree Professional.

16 “Live crown ratio” is the percentage of the total height of the tree that is occupied by the live green crown. For  
17 example, if the crown length, measured from the leader tip to the base of the live crown, is 55 feet and the total  
18 tree height is 100 feet, then the live crown ratio is 55 percent.

19 “Major Development Activity” means an activity that requires federal, state, or local approval for the use or  
20 modification of land or its resource. These activities include subdivision or short subdivision of lots; construction  
21 or demolition of single family, multi-family or commercial buildings; and alterations, repairs, enlargements or  
22 additions of non-conforming structures for more than 50% of fair market value as defined in LFPMC 18.66.050.

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

1 “Multi-stemmed Tree” means a tree that has one stem at ground level but that splits into two or more stems  
2 above ground level. Trees whose stems diverge below ground level are considered separate trees.

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

4 “Nuisance tree” means a tree that is causing obvious physical damage to structures, including but not limited to  
5 sidewalks, curbs, the surfaces of streets, parking lots, or driveways, or building foundations. The prescription to  
6 reduce the problem should include root or branch pruning, installation of root barriers, or other structures to  
7 eliminate or reduce potential for further damage. Tree removal should be considered as a last resort.

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

10 “Protected tree” means a tree and associated understory vegetation identified for retention and protection on an  
11 approved tree protection and replacement plan and/or permanently protected by easement, tract, or covenant  
12 restriction.

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

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

23 “Significant Tree” means a tree six inches or greater in diameter (DBH). For multi-stemmed trees, if any one  
24 stem is six inches or greater in diameter (DBH), the tree shall be considered a Significant Tree.

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

26 “Target” or “Risk Target” means people, property, or activities that could be injured, damaged, or disrupted by a  
27 tree.

1 “Tree” means a self-supporting woody plant characterized by one main trunk or, for certain species, multiple  
2 trunks, typically reaching at least 12 to 15 feet in height at maturity that is recognized as a tree in the nursery  
3 and arboricultural industries.

4 “Tree Risk Assessment” means the systematic process to identify, analyze and evaluate tree risk. Tree risk  
5 assessment shall be conducted in accordance with the latest version of the ISA Best Management Practices  
6 Guide.

7 “Tree Risk Assessor” means a qualified tree professional who identifies subject tree(s) and site conditions,  
8 evaluates and classifies the likelihood of failure, estimates the consequences of tree(s) hitting a target, and  
9 determines options for treatment or mitigation. The City of Lake Forest Park requires that Tree Risk Assessors  
10 be ISA Tree Risk Assessment Qualified.

11 “Tree Risk Manager” means the person who holds duty of care responsibility, defines tree risk policies,  
12 establishes budget, determines priorities, decides the level of acceptable risk, and chooses among mitigation  
13 options. Tree Risk Manager is assumed to be the property owner except in cases of permit denial.

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

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

21 “Viable (tree)” means a significant tree that a Qualified Tree Professional has determined to be in good health  
22 with a low risk of failure, is relatively windfirm if isolated or exposed, is a species that is suitable for its location,  
23 and is therefore worthy of long-term retention.

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

27 “Windfirm” means a tree that is healthy and well-rooted and the City’s Qualified Tree Professional has  
28 evaluated and determined that it can withstand normal winter storms in Lake Forest Park.

1 **16.14.040 Tree removal – Application for permits and posting required.**

2 A. Permit Required. No person or their representative, directly or indirectly, shall remove or destroy any  
3 significant tree located within the City without first obtaining a tree permit in accordance with this chapter,  
4 unless exempted or receiving an exception listed in LFPMC [16.14.050](#).

5 B. Permit Requirements. Tree removal permits shall be reviewed according to the following standards:

6 1. Permits not Requiring Arborist Review. Removal of two or fewer significant trees within any 36-month  
7 period may be authorized without arborist review, unless the trees are located in an environmentally  
8 sensitive area or sensitive area buffer, or if Major Development Activity has occurred within the past five  
9 years. The Administrator may require that the proposed tree removal be reviewed by the City's Qualified  
10 Tree Professional if the Administrator determines that the removal could result in a threat to persons or  
11 damage of property, or if the tree removal may result in the property dropping below its canopy coverage  
12 goal as defined in Table 1 in LFPMC 16.14.080.

13 2. Permits Requiring Arborist Review. Review by the City's Qualified Tree Professional shall be required  
14 under the following circumstances:

15 a. When one or more Landmark Trees is proposed for removal.

16 b. When three or more Significant Trees are proposed for removal within any 36-month  
17 period.

18 c. When any tree proposed for removal, regardless of size, is located in an environmentally  
19 sensitive area or buffer as defined by LFPMC 16.16.

20 d. When any Major Development Activity or Minor Development Activity is proposed, unless  
21 found to be an exception in LFPMC 16.14.050

22 e. When trees are proposed for removal on a property on which Major Development Activity  
23 has occurred within the last five years.

24 f. When an applicant has submitted a Five-Year Forest Management Plan for approval.

25 C. Tree removal permits expire one year (365 days) after the date the permit is issued, unless the Administrator  
26 and City's Qualified Tree Professional have approved a Five-Year Forest Management Plan, in which case the

1 permit shall expire five years after the date the permit is issued. The Administrator may grant an extension of  
2 up to six months if the applicant provides a written request prior to expiration.

3 D. Posting Requirements.

4 1. Notice of Application. Notice of application shall be posted on-site, in a place where it can be read  
5 from the nearest public street. If the property is located on a private street, notices shall be posted on-  
6 site, in a place where it can be read from the private street, as well in a place where it can be read  
7 from the nearest public street.

8 a. For permits not requiring arborist review, the notice of application shall be posted for a  
9 minimum of two business days prior to permit decision, and shall remain posted until a  
10 decision is issued. The applicant must sign and attest that no landmark trees are being  
11 removed.

12 b. For permits requiring arborist review, the notice of application shall be posted for a  
13 minimum of 14 calendar days prior to permit decision, and shall remain posted until a decision  
14 is issued.

15 c. When the proposal involves removing 5 or more trees which constitute 50 percent or more  
16 of the canopy on the subject parcel, notice of application procedures shall comply with  
17 LFPMC 16.26.040.

18 d. When the number of trees proposed for removal increases after the notice of application  
19 has been posted or the permit has been approved, all tree removal activity must cease and  
20 the applicable notice of application procedure shall be repeated in full.

21 2. Notice of Decision. Tree removal may commence immediately upon posting of an approved tree  
22 permit on the subject site in the same manner described in LFPMC 16.14.040(D)(1). The tree permit  
23 shall remain posted at least one week (7 calendar days) after the approved activity has been completed.

24 a. For tree permits associated with a Five-Year Forest Management Plan, the permit must be  
25 posted on the subject site, in the same manner described in LFPMC 16.14.040(D)(1), each  
26 time tree removal occurs, and at least one week (7 calendar days) after the approved activity  
27 has been completed.

1 E. Appeals. Appeals of tree permit decisions shall follow LFPMC Chapter [1.25](#).

2 **16.14.050 Tree Removal Criteria.**  
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3 A. The following are exempt from the requirements of this chapter:

4 1. The removal of trees that are less than 6" DBH, provided that such trees are not located in an  
5 environmentally sensitive area or sensitive area buffer.

6 B. Exceptions. The following do not require an approved permit if the criteria associated with that activity have  
7 been met:

8 1. Emergency actions necessary to remedy an immediate threat to people or property, or public health,  
9 safety or welfare by a high-risk or extreme-risk tree may be undertaken without a permit. Any person  
10 undertaking such an action shall:

11 a. Notify the Administrator within one working day following commencement of the emergency  
12 action.

13 b. Complete a tree removal application within one week of the emergency action. Upon  
14 approval, notice of exception shall be posted on site for seven days in the same manner  
15 prescribed in LFPMC 16.14.040(D)(2).

16 c. LFPMC 16.14.050(B)(1)(a) and (b) do not apply to emergency actions taken by the City, or  
17 electric or other utilities.

18 2. The removal of Dead Trees does not require a permit, provided that the person undertaking such an  
19 action obtains Administrator approval prior to removal. Dead Trees located in steep slope or landslide  
20 hazard areas and their buffers should be kept as Wildlife Habitat Trees, or, at minimum, stumps shall  
21 be left in the ground unless approved by a qualified geologist or geotechnical engineer. Notice of  
22 exception shall be posted on site in the same manner prescribed in LFPMC 16.14.040(D)(2).

23 3. The removal of invasive tree species, as defined by King County's list of invasive species and  
24 noxious weeds, may be allowed without a permit, provided that the trees are not in a steep slope or  
25 landslide hazard area or their buffers, and provided that the person undertaking this action obtains  
26 Administrator approval prior to the action. Notice of exception shall be posted on site in the same  
27 manner prescribed in LFPMC 16.14.040(D)(2).

1 4. Removal of any significant hedge tree may be allowed without a permit, provided that the person  
2 undertaking this action obtains Administrator approval prior to the action. Notice of exception shall be  
3 posted on site in the same manner prescribed in LFPMC 16.14.040(D)(2). All trees removed under this  
4 exception shall be replaced on a one-for-two basis (one replacement tree for every two hedge trees).

5 5. Minor Development Activity that does not occur within the dripline of any Significant or Landmark  
6 Tree does not require a tree permit, provided that the person undertaking such an action shall provide  
7 information that demonstrates this fact prior to approval of the Minor Development Activity. Notice of  
8 exception shall be posted on site in the same manner prescribed in LFPMC 16.14.040(D)(2).

9 6. The City, or electric or other utilities may remove trees without a permit for the normal course of  
10 maintenance of the utilities, street lights, sidewalks, signage or public rights-of-way. A utility must have  
11 an approved right-of-way permit. Agencies receiving this exception must follow the prohibition on  
12 topping trees in 16.14.100(B)(1), and shall follow ANSI A300 Pruning Standards, the ISA Best  
13 Management Practices for the Utility Pruning of Trees, and the ANSI Z.133 Safety Requirements for  
14 Arboricultural Operations, or the current editions of these.

15 C. Environmentally Sensitive Areas. Removal of trees in environmentally sensitive areas and their buffers, as  
16 defined by LFPMC 16.16, is prohibited, except that permits may be issued in the following circumstances:

17 1. When trees have been determined to be any of the following under a Tree Risk Assessment  
18 conducted in accordance with the International Society of Arboriculture Best Management Practices:  
19 Tree Risk Assessment (2013), done by a Qualified Tree Professional that is certified as a Tree Risk  
20 Assessor, and where the risk cannot be reduced to low with mitigation such as pruning:

- 21 a. moderate risk with significant consequences;
- 22 b. moderate risk with severe consequences;
- 23 c. high risk; or
- 24 d. extreme risk

25 2. When trees proposed for removal meet the definition of Nuisance Trees.

26 3. When trees proposed for removal are invasive trees, as defined in LFPMC 16.14.050(B)(3).

27 4. When trees proposed for removal are part of an approved action under LFPMC 16.16.

1 5. If trees proposed for removal are located in steep slope or landslide hazard areas or their buffers, a  
2 qualified geologist or geotechnical engineer shall certify that the tree can be safely removed or the  
3 proposal can be designed so the landslide hazard risk to the property or adjacent property is  
4 eliminated or mitigated.

5 6. In environmentally sensitive areas and sensitive area buffers, the Administrator may require review  
6 by a wetland biologist, stream biologist, or other qualified professional, at the applicant's expense, to  
7 determine whether or not the proposed removal is likely to cause damage to the sensitive area or  
8 buffer or reduce its ecological function. Permits may be conditioned based on the recommendations of  
9 these qualified professionals.

10 7. Unless authorized in writing by a Qualified Tree Professional, stumps of removed trees shall not be  
11 removed from the ground, and all vegetation cut shall remain within the sensitive area or buffer.

12 D. Tree Removal Likely to Cause Injury or Damage. Removal of Significant Trees is prohibited if the removal is  
13 substantially likely to cause injury or damage to persons or property, as determined by the City's Qualified Tree  
14 Professional.

15 E. Viable Exceptional Trees. Removal of Viable Exceptional Trees, as defined by this chapter and determined  
16 by the City's Qualified Tree Professional, is prohibited.

17 F. 5-Year Major Development Activity Restriction. Removal of Viable Significant Trees is prohibited on  
18 properties that have undergone Major Development Activity within the last five years and for which no new  
19 Major Development Activity or Minor Development Activity is approved.

20 G. Removal of Viable Significant Trees in a tree tract as defined in LFPMC 16.14.080(C) is prohibited, unless  
21 part of an approved enhancement plan.

22 H. Reasonable Use Exception to Allow for Reasonable Economic Use.

23 1. If the application of this chapter will prevent any reasonable economic use of the owner's property,  
24 then the applicant may apply to the planning department for an exception from the requirements of this  
25 chapter; may be applied for in accordance with the provisions of LFPMC Chapter [16.26](#).

26 2. The Administrator shall forward the application, along with the record submitted to the City and the  
27 Administrator's recommendation, to the hearing examiner for decision.

- 1           3. The hearing examiner shall grant an exception only if:
- 2                   a. Application of the requirements of this chapter will deny all reasonable economic use of the
- 3                   property; and
- 4                   b. There is no other reasonable economic use with less impact on the sensitive area; and
- 5                   c. The proposed development does not pose an unreasonable threat to the public health,
- 6                   safety, or welfare, on or off the proposed site, and is consistent with the general purposes of
- 7                   this chapter, the Community Forest Management Plan, and the Comprehensive Plan; and
- 8                   d. Any alteration is the minimum necessary to allow for reasonable economic use of the
- 9                   property.
- 10           4. The hearing examiner shall grant an exception from the requirements of this chapter only to the
- 11           minimum necessary extent to allow for reasonable economic use of the applicant's property.
- 12           5. The hearing examiner shall condition any exception from the requirements of this chapter upon
- 13           conditions recommended by the City and upon compliance with any mitigation plan approved by the
- 14           City.

15   **16.14.060 Qualified tree professional.**  
.....

- 16   A. The City shall contract with one or more professionals that qualify as a qualified tree professional under the
- 17   definition of this chapter. Said professional or professionals shall be responsible for providing the information
- 18   and services required of the City's Qualified Tree Professional described herein.
- 19   B. Individual applicants will be responsible for payment of the costs and fees of the City's Qualified Tree
- 20   Professional for projects necessitating work to be performed by the City's Qualified Tree Professional.

21   **16.14.070 Standards for permit approval.**  
.....

22   An applicant for a tree removal permit must submit a tree plan that complies with this section prior to permit

23   issuance. This tree plan (and replacement plan if required by the provisions below or by LFPMC [16.14.080](#))

24   shall be reviewed and approved by the Administrator and, in cases which require arborist review, by the City's

25   Qualified Tree Professional.

1 A. Tree Removals and Canopy Assessment. A tree removal and replacement permit not associated with Major  
2 Development Activity or Minor Development be approved based on the following:

3 1. The completed permit application supplemented by a general site plan showing:

4 a. The name, address, email, and phone number of the applicant and owner of the property.

5 b. The locations of tree(s) to be removed;

6 c. Nearby structures and streets;

7 d. Locations of other significant trees surrounding the tree(s) to be removed;

8 e. Locations of environmentally sensitive areas or buffers.

9 2. If arborist review is required, a report written or approved by the City's Qualified Tree Professional.

10 3. If the canopy coverage is below the minimum threshold established for the size of lot, the applicant  
11 shall be required to replace the removed significant tree(s) according to the standards set forth in  
12 LFPMC [16.14.080](#).

13 4. If tree replacement is necessary, then a tree replacement plan showing the location(s) and species of  
14 the new tree(s) shall be submitted prior to permit issuance.

15 B. Tree Removal and Canopy Assessment related to Major Development Activity or Minor Development  
16 Activity. The tree assessment for the tree protection plan should be prepared as early in the project design  
17 process as possible to improve the applicant's ability to incorporate existing Viable trees into the project and to  
18 provide adequate protection. Tree removal applications associated with Major Development Activity or Minor  
19 Development Activity shall at a minimum include the following information:

20 1. The name, address, email and phone number of the applicant and owner of the property.

21 2. Legal description of the property including parcel number.

22 3. A site map (to scale) with a north arrow depicting accurate location of site features including buildings,  
23 driveways, environmentally sensitive areas and buffers, forest stands or open-grown single or clusters of  
24 significant trees, the dripline of the stand, cluster, or individual tree, along with any other off-site trees

1 that may be impacted by tree removal, excavation, grading, or other development activity during this  
2 project.

3 4. A tree inventory and assessment report prepared by a qualified tree professional. Individual trees to  
4 be removed or that are in the vicinity of construction and potentially could be impacted should be  
5 numbered (with corresponding numbers placed on trees). Information on tree species, diameter at breast  
6 height (DBH), condition (health), and the required critical root zone (CRZ) should be collected.

7 5. A tree list showing which trees are to be protected and removed. Include the critical root zone (CRZ)  
8 distances in the list.

9 6. Graphic detail of tree protection fence locations and any other special instructions for work that may or  
10 may not occur within critical root zone (CRZ).

11 7. A timeline for tree protection activity should be provided describing:

12 a. Attendance of the City's qualified tree professional at the pre-job conference to discuss tree  
13 protection activity.

14 b. Installation, inspection and maintenance of the tree protection fences.

15 c. Measures taken to ensure health of the tree(s) during construction.

16 d. Removal of fences at end of construction.

17 e. Final inspection of protected trees by City's qualified tree professional.

18 8. A description and location of tree protection measures during construction for trees to be retained  
19 must be shown on demolition and grading plans. Protection measures must be in accordance with  
20 LFPMC [16.14.090](#).

21 9. For subdivisions and short-subdivisions, the designation of a tree tract is required, in accordance with  
22 LFPMC 16.14.080(B).

23 10. A Qualified Tree Professional may specify conditions for work, at any stage of the application or  
24 project, as is deemed necessary to ensure the proposal's compliance with requirements of this section.

1 11. If the canopy coverage after removal is below the minimum threshold established for the size of lot,  
2 the applicant shall be required to replace the removed Significant Tree(s) according to the standards set  
3 forth in LFPMC [16.14.080](#).

4 12. If tree replacement is necessary, then a tree replacement plan showing the location(s) and species  
5 of the new tree(s) shall be submitted prior to permit issuance.

6 C. Tree Removal and Canopy Assessment in Association with a Five-Year Forest Management Plan. The  
7 Administrator and City's Qualified Tree Professional may approve a five-year tree removal and replacement  
8 permit based on the following:

9 1. The completed permit application supplemented by a general site plan showing:

10 a. The name, address, email, and phone number of the applicant and owner of the property.

11 b. The locations of tree(s) to be removed;

12 c. Nearby structures and streets;

13 d. Locations of other significant trees surrounding the tree(s) to be removed;

14 e. Locations of environmentally sensitive areas or buffers.

15 2. A tree inventory and assessment report prepared by a Qualified Tree Professional. Information on tree  
16 species, diameter at breast height (DBH), condition (health), location, and the required critical root zone  
17 (CRZ) should be collected.

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

19 4. The applicant shall be required to replace the removed Significant Tree(s) according to the standards  
20 set forth in LFPMC [16.14.080](#).

21 5. If tree replacement is necessary, then a tree replacement plan showing the location(s) and species of  
22 the new tree(s) shall be submitted prior to permit issuance.

23 6. The City's Qualified Tree Professional shall undertake annual site visits at the expense of the  
24 applicant and submit annual progress reports to the Administrator for the five years that the permit is

1 valid. Changes to the approved plan may only be made with approval of both the Administrator and the  
2 City's Qualified Tree Professional.

3 **16.14.080 Tree retention and replacement standards.**

4 This section provides standards for determining when and how trees must be retained or replaced. The City will  
5 apply these standards when considering an application for a tree permit as described in LFPMC [16.14.040](#).

6 A. The minimum standard for tree retention is determined by tree canopy coverage goal for the lot sizes and  
7 land use types set forth in Table 1 below. Tree canopy coverage is measured by the percentage of canopy  
8 provided by existing trees or the projected canopy coverage to be provided by newly planted or immature trees  
9 (when such trees reach 30 years of age).

10 **Table 1**

	<b>Canopy Coverage Goal</b>
Single-family lots greater than 15,000 square feet	58%
Single-family lots 10,000 – 15,000 square feet	39%
Single-family lots less than 10,000 square feet	28%
Multifamily	15%
Commercial	15%
Southern Gateway Single Family	15%
Southern Gateway Transition	10%
Southern Gateway Corridor	5%

11  
12 B. Canopy coverage shall be defined by the City's Qualified Tree Professional for all permits requiring arborist  
13 review. For permits not requiring arborist review, the Administrator may waive replacement requirements only

1 when he or she can determine that the remaining canopy after removal will exceed the canopy coverage goal  
2 by at least ten percent.

3 C. Tree Replacement Requirements.

4 1. For all permits requiring arborist review, if the proposed tree removal will cause a lot's canopy  
5 coverage to fall below the canopy coverage goal shown in Table 1 above, shall obtain administrator  
6 approval of and implement a tree replacement plan that brings canopy coverage to the applicable  
7 percentage specified in Table 1 above (when the replacement trees reach 30 years of age). Where the  
8 lot on which tree removal occurs is below the canopy coverage goal shown in Table 1 prior to tree  
9 removal, the person removing the tree shall obtain administrator approval of and implement a tree  
10 replacement plan that brings canopy coverage to the percentage that existed prior to the proposed tree  
11 removal (when the replacement trees reach 30 years of age), except as noted in subsection (3) and (4)  
12 of this section.

13 2. For permits not requiring arborist review, one tree shall be replaced for each tree removed, except as  
14 stated in (B) above.

15 3. A person obtaining a tree removal permit associated with Major Development Activity or a Five-Year  
16 Forest Management Plan shall obtain administrator approval of and implement a tree replacement plan  
17 that achieves the applicable minimum canopy coverage specified in Table 1 above (when the  
18 replacement trees reach 30 years of age).

19 4. All Viable Landmark Trees removed shall require replacement of twice the canopy coverage removed  
20 (when the replacement trees reach 30 years of age), regardless of canopy coverage goal.

21 5. The replacement tree species shall be selected from the approved general tree list for the City of Lake  
22 Forest Park which is maintained by the City. Trees listed as noxious or invasive species by King County,  
23 or prohibited in the general tree list are not acceptable for replacement or mitigation trees. In  
24 environmentally sensitive areas or their buffers, replacement trees must be native trees or acceptable  
25 substitutes, as defined by the general tree list. Any substitution of trees that are not on the general tree  
26 list, and any alternative methods of replacement, must be approved by the City's Qualified Tree  
27 Professional.

1 6. In environmentally sensitive areas and sensitive area buffers, trees removed shall be converted to  
2 wildlife habitat trees and all vegetation cut shall remain in the sensitive area or buffer, unless authorized  
3 in writing by the City's Qualified Tree Professional.

4 7. The minimum size of replacement trees should be:

5 a. Deciduous trees, two inches caliper.

6 b. Conifers, a minimum of four feet tall.

7 8. All trees must be containerized or balled and burlap stock and be planted according to industry  
8 standards.

9 9. All trees shall meet the minimum standards for size and quality according to the current edition of the  
10 ANSI Z60.1 standard for nursery stock.

11 10. For all Major Development Activity, The City's Qualified Tree Professional shall undertake annual site  
12 visits at the expense of the applicant and submit annual progress reports to the Administrator for three  
13 years following occupancy. Changes to the approved plan may only be made with approval of both the  
14 Administrator and the City's Qualified Tree Professional.

15 11. The applicant is required to provide watering until replacement trees are independently viable.  
16 Replacement trees that die prior to meeting the definition of Significant Tree must be replaced by a  
17 replacement tree meeting the criteria of this section and any canopy coverage goal requirements that the  
18 expired tree was intended to provide.

19 D. Tree Conservation Easement. New subdivisions and short subdivisions are required to create a tree  
20 conservation easement. This conservation easement shall be selected to save existing high quality, windfirm,  
21 long-term existing trees on the site. If suitable trees are not present, then the tree conservation easement  
22 should abut other existing stands of off-site trees, or sensitive areas. If all or portions of the tree conservation  
23 easement are not treed, then the conservation easement shall be replanted to achieve full canopy coverage  
24 (100%) when the newly planted trees reach 30 years of age, excluding borrowed canopy from off-site trees.

25 1. Criteria. A tree conservation easement shall meet the following criteria for approval:

26 a. The tree conservation easement shall equal fifteen percent of the gross project area.

- 1                   b. No dimension of the easement may be less than 15 feet.
- 2                   c. A 15-foot setback shall be maintained from the edge of the tree conservation easement and  
3 any structures.
- 4                   d. A 5-foot setback shall be maintained from side-yard lot lines, unless the tree conservation  
5 easement is contiguous to an existing stand of mature trees on the adjacent property.
- 6                   e. The conservation easement shall not overlap with a sensitive area tract.
- 7                   f. The boundary between the Tree Conservation Easement area and adjoining land shall be  
8 identified with either split rail fencing or permanent signs.
- 9                   g. Tree Conservation Easements shall be recorded on all documents of title or record for all  
10 affected lots.

11 E. All subdivisions or short subdivisions receiving tree permits shall have a condition on the face of the  
12 subdivision or short subdivision plat stating that minimum canopy must be achieved and maintained on each  
13 lot. [*This provision should be made consistent with the In-lieu Fee provision (16.14.080.J). Either replacement  
14 must be done that meets the minimum canopy goal on site (as stated here) or it should state: except when the  
15 In-lieu Fee option is taken. Additionally, some Commissioners felt that this subsection should apply to all Major  
16 Development Activity.*]

17 F. For tree permits associated with any Major Development Activity, a notice on title in the form required by  
18 LFPMC [16.16.190](#) shall be recorded by the permittee disclosing the tree permit and associated tree retention  
19 conditions required by this subsection.

20 G. The priority for protection of healthy trees in developing, redeveloping, or existing lots that are being  
21 modified is:

- 22                   1. Existing Viable Trees in groups or stands;
- 23                   2. Exceptional Trees or other high -quality open-grown, windfirm trees;
- 24                   3. Landmark Trees;
- 25                   4. Trees in sensitive area buffers, or adjacent to sensitive area buffers:

- 1 5. Trees that are interdependent with and therefore critical to the integrity of stands of other protected
- 2 trees;
- 3 6. Other individual trees that will be windfirm, high quality trees if retained;
- 4 7. Other trees that provide wildlife or riparian habitat, screening, buffering or other amenities;
- 5 8. Trees that help to protect neighbors' trees from windthrow, or other trees within required yard
- 6 setbacks or on the perimeter;
- 7 9. Trees next to parks or other open space areas.

8 H. The Administrator may require an applicant to implement other measures designed to mitigate the loss of  
9 trees, such as requiring the restoration of all or parts of the forest landscape and its associated benefits,  
10 including but not limited to:

- 11 1. Creation of wildlife habitat trees from trees which would otherwise be removed;
- 12 2. Replacement of ornamental trees with native shrubs and groundcover;
- 13 3. Replacement of high-risk or short-lived trees with healthy new trees more likely to survive;
- 14 4. Restoration of stream corridors with native vegetation; or
- 15 5. Protection of nonsignificant trees to provide for the successional stages of forest development.

16 I. Measurement of Canopy Coverage.

17 1. Existing Open-Grown Trees.

18 a. Measure the radius of the tree's canopy at its widest and narrowest points and calculate the  
19 average canopy radius for the tree.

20 b. Calculate the tree's canopy coverage (ft<sup>2</sup>) using the average canopy radius and the formula:  
21  $\pi r^2$  where  $\pi = 3.1416$  and  $r =$  the canopy radius in feet.

22 c. Add up the calculated canopy coverage for all trees on the parcel in square feet and divide by  
23 the total lot area to determine the percentage canopy cover.

1 2. For contiguous stands of trees, traverse the perimeter of the stand within the parcel to calculate the  
2 area under the tree canopy and the resulting canopy percentage. In some cases, use of high-resolution  
3 aerial photography may be used for larger stands.

4 3. For newly planted or immature trees less than 30 years old, calculate the projected canopy coverage  
5 at age 30 using the information provided in the approved general tree list for the City of Lake Forest  
6 Park. Sum these canopy coverage areas to project the lot canopy coverage as trees reach an age of 30  
7 years.

8 J. On-Site Replacement In-lieu Fee.

9 1. For applications where four or fewer trees are proposed for removal, the applicant may elect not to  
10 replace trees on site provided that the applicant pays an amount determined by a Qualified Tree  
11 Professional into the City tree account that is equivalent to the total cost for purchase and installation  
12 of each replacement tree and three years of maintenance for each replacement tree that would  
13 otherwise be required.

14 2. For applications where five or more trees are proposed for removal, the applicant may elect not to  
15 replace trees on site; provided, that the applicant pays an amount determined by a Qualified Tree  
16 Professional as stated in subsection 1 above. For the purposes of calculation of the in-lieu fee when  
17 five or more trees are removed, each tree not replaced on site will be subject to an in-lieu fee that is  
18 triple the value as established in subsection 1 above.

19 3. For applications where landmark trees proposed for removal, the applicant may elect not to replace  
20 trees on site; provided, that the applicant pays an amount determined by a Qualified Tree Professional  
21 as stated in subsection 1 above. For the purposes of calculation of the in-lieu fee, each landmark tree  
22 not replaced on site will be subject to an in-lieu fee that is double the value established by subsections  
23 1 and 2 above.

24 K. Replacement Exemption. Tree removals are exempt from replacement requirements when the City's  
25 Qualified Tree Professional determines that the trees will be dead within the assessment period, typically three  
26 to five years from the date of the assessment. This exemption does not apply to replacement trees meeting the  
27 criteria in 16.14.080(C)(11).

28 **16.14.090 Tree protection and design measures.**

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- 1 A. Tree Protection Measures. To ensure long-term viability of trees identified for protection:
- 2 1. All required tree protection measures shall be shown on the demolition, grading, and tree protection  
3 plan along with a timeline for tree protection activity.
- 4 2. All construction activities, including staging and traffic areas, shall be prohibited within five feet of the  
5 dripline of protected trees.
- 6 3. Tree protective fencing shall be installed at the limits of disturbance and completely around trees to be  
7 protected prior to any land disturbance unless otherwise delineated by the qualified tree professional.
- 8 4. Tree protective fencing shall be a minimum of four feet high, constructed of chain link or polyethylene  
9 laminar safety fencing or similar material, subject to approval by the City. The fence must be constructed  
10 on steel posts with a minimum spacing of eight feet on center. "Tree Protection Area – Keep Out" signs  
11 shall be posted visibly on all sides of the fenced areas. Tree protection fencing shall be maintained  
12 throughout construction.
- 13 5. Where tree protection areas are remote from areas of land disturbance, and where approved by the  
14 City, alternative forms of tree protection may be used in lieu of tree protective fencing; provided, that the  
15 critical root zones of protected trees or stands of trees are clearly delineated with continuous rope or  
16 flagging and accompanied by "Tree Protection Area – Keep Out" signs.
- 17 6. Additional protection recommendations for At-Risk trees may be required by the City's Qualified Tree  
18 Professional, throughout the development process.
- 19 a. Any At-Risk tree requiring removal due to inadequate adherence to the City's Qualified  
20 Tree Professional's protection measures will be subject to enforcement described in LFPMC  
21 16.14.120 A.1.
- 22 b. A "Protect tree" sign shall be prominently displayed on each fence adjacent to an At-Risk  
23 tree prior to the beginning of any construction activity. The sign shall be provided by the  
24 Administrator. Removal of the sign or the fence is subject to a penalty according to LFPMC  
25 16.14.120.E.
- 26 c. Tree protection fencing must be maintained with no material storage within that area  
27 between the fencing and the tree.

1 d. Removal of an At-Risk tree may be authorized only by written consent of the City's  
2 Qualified Tree Professional when the Professional determines that the tree is no longer  
3 Viable. In such cases, tree replacement is required in accordance with LFPMC 16.14.080.

4 B. Tree Health. In addition, the applicant shall support tree protection efforts by employing, as appropriate, the  
5 following preventative measures, consistent with best management practices (BMPs) for maintaining the health  
6 of the tree:

- 7 1. Pruning of visible deadwood on trees to be protected;
- 8 2. Application of fertilizer to enhance the vigor of stressed trees;
- 9 3. Use of soil amendments and soil aeration in tree protection and/or replanting areas;
- 10 4. Mulching over tree dripline areas; and
- 11 5. Providing watering during and immediately after construction.

12 C. Alternative Methods. The City may approve the use of alternative tree protection techniques if a protected  
13 tree will be protected to an equal or greater degree than through the techniques listed above, as determined by  
14 the City's qualified tree professional.

15 D. Grading and Proximity to Structures, Utilities, and Roadways.

16 1. Structures, utilities, and roadways shall be set back at least five feet from the dripline or critical root  
17 zone (CRZ), whichever is greater of a protected tree, except where such structure is a raised deck, bay  
18 window, or other structure cantilevered or otherwise raised above the ground's surface so as not to  
19 disrupt the tree's roots.

20 2. Sidewalks, driveways, structures and utilities may be located within the dripline or critical root zone  
21 (CRZ) of a protected tree; provided that the City's Qualified Tree Professional finds that:

22 a. The construction methods and materials and tree protection measures used will result in  
23 minimal disruption of the tree's roots; and

24 b. The proposed construction is not likely to result in the tree becoming a Nuisance Tree  
25 during its normal life span.

1           3. The administrator may allow activities such as trenching, construction or an alteration of grades inside  
2           the five-foot setback from the dripline or critical root zone of a protected tree; provided, that the tree  
3           protection plan prepared by the qualified tree professional which demonstrates that the proposed activity  
4           will not adversely affect the long-term viability of the tree. Generally, no more than 20 percent of the root  
5           system of a tree should be impacted by this activity.

6   E. Site Development and Modification Guidelines. Site improvements shall be designed and constructed to:

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

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

11          3. Building footprints, parking areas, roadways, utility corridors and other structures shall be designed  
12          and located taking into consideration tree protection opportunities.

13          4. The project grading plans shall accommodate existing trees and avoid alteration to grades around  
14          existing significant trees.

15   **16.14.100 Tree maintenance.**  
.....

16   A. All protected trees, required replacement trees, and/or relocated trees so designated on an approved permit  
17   and replanting plan, shall be maintained in healthy condition by the property owner unless otherwise approved  
18   by the City in a subsequent permit. If the canopy coverage falls below the approved coverage granted by latest  
19   permit, the property owner will be required to plant replacement trees to achieve the approved canopy  
20   requirements.

21   B. Pruning.

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

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

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

1 **16.14.110 City tree account.**

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2 A. The City Council shall establish in the budget ordinance a City tree account in the general fund.

3 B. The City shall credit to the City tree account:

4 1. All money paid to the City under LFPMC [16.14.080](#) and [16.14.120\(A\)](#); and

5 2. Other monies allocated by the City Council.

6 C. The City shall use the City tree account funds for the following purposes:

7 1. Acquiring, maintaining, and preserving forested areas within the City;

8 2. Planting and maintaining trees within the City; or

9 3. Other purposes relating to trees as determined by the City Council.

10 **16.14.120 Enforcement.**

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11 A. Violations. Violations of this chapter may be addressed by the administrator pursuant to the provisions set  
12 forth below. As an additional or alternative remedy and/or penalty, the administrator may also enforce the  
13 provisions of this chapter using the procedures set forth in LFPMC Chapter [1.25](#).

14 1. Removal of existing trees in violation of this chapter will require an appraisal of the tree value by the  
15 qualified tree professional using the trunk formula method in the current edition of the Council of Tree &  
16 Landscape Appraisers' Guide for Plant Appraisal. The cost of the appraisal shall be paid by the  
17 person(s) who removed existing trees in violation of this chapter.

18 2. Tree replacement is required in accordance with LFPMC 16.14.080.

19 3. Trees can be planted on the lot where trees were removed or the monetary value of the unplanted  
20 trees can be paid into the City tree account.

21 4. In addition to tree replacement, the Administrator may require that the person who removed trees in  
22 violation of this chapter pay the appraised value of the trees, as established in section (1) above, into the  
23 city tree account. A person may appeal the amount imposed under this section in accord with LFPMC  
24 1.25.150 or 1.25.160.

1 B. Increased Permit Fees. In addition to or in place of any other remedy or penalty authorized by this code, the  
2 administrator may charge a fee equivalent to triple the fee determined for an after-the-fact permit to any person  
3 who conducts unpermitted activity requiring a tree removal permit, or who fails to provide sufficient evidence  
4 that such activity met the requirements of LFPMC [16.14.050](#), Exemptions and Exceptions.

5 C. Stop Work Order. If a violation of this chapter or an approved tree permit occurs on property on which work  
6 is taking place pursuant to a City of Lake Forest Park development or building permit, the building official may  
7 suspend some or all of the work as appropriate through issuance of a stop work order. The building official shall  
8 remove the stop work order when the City determines that the violation has been corrected or when the City  
9 has reached an agreement with the violator regarding rectification of the violation.

10 D. Any person who removes a tree in violation of the conditions of a tree removal permit or in violation of this  
11 chapter may be required to perform remedial measures ordered by the administrator. The following provisions  
12 shall apply in instances where such remedial measures are required:

- 13 1. All work shall be performed in accordance with permits obtained pursuant to this chapter.
- 14 2. Remedial measures must conform to the purposes and intent of this chapter and meet all  
15 requirements and standards of this chapter.
- 16 3. Remedial measures must be completed within the time frame specified by the administrator.
- 17 4. The cost of any remedial measures necessary to correct violation(s) of this chapter shall be borne by  
18 the property owner and/or applicant.

19 E. Penalties. The administrator may, in addition to the replacement tree requirement, impose a penalty of up to  
20 \$5,000 per tree for removal of or damage to significant trees in violation of this chapter. This penalty may be  
21 imposed in addition to or in lieu of any penalty imposed pursuant to the procedures of LFPMC [1.25](#) . A person  
22 may obtain administrative review of a penalty imposed under this subsection in accordance with the provisions  
23 of LFPMC [1.25](#).

24 **16.14.130 Requirements for tree services and others doing land clearing and tree**  
25 **removal.**

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26 A. In order to assure compliance with the standards and requirements of this chapter, private foresters,  
27 arborists, and logging and land clearing contractors or others and heavy equipment operators involved in land  
28 clearing operations in the City of Lake Forest Park shall be required to sign and submit a statement of tree

1 canopy preservation and enhancement acknowledgment to the City of Lake Forest Park. This statement shall  
2 attest such arborist, forester, or contractor's knowledge of the City of Lake Forest Park's tree protection  
3 requirements. This statement shall be required in addition to the city business licensing requirements set forth  
4 in LFPMC Chapter [5.02](#) and applicable to persons performing work in the City of Lake Forest Park. The  
5 required statement shall be in substantially the following form:

6 1. I, \_\_\_\_\_, a duly licensed professional contractor in the State of Washington, or professional  
7 forester, hereby attest that I have read and am knowledgeable of Chapter [16.14](#), Tree Canopy  
8 Preservation and Enhancement, of the City of Lake Forest Park Municipal Code.

9 2. I further attest that, as a professional doing land clearing work in the City of Lake Forest Park, I am  
10 accountable for following the City's Tree Canopy Preservation and Enhancement requirements,  
11 including obtaining a tree removal permit, exemption, or exception prior to performing tree removal or  
12 clearing work, as defined by Chapter [16.14](#) of the Lake Forest Park Municipal Code, as well as  
13 following all conditions and requirements of said permit, exemption, or exception. I agree to adhere to  
14 the tree maintenance standards of this chapter, the International Society of Arboriculture, and ANSI  
15 300, including a prohibition on topping trees.

16 3. I attest that if I fail to follow tree protection requirements, I will be held jointly responsible with the  
17 landowner for any restitution required as a result of environmental damage determined by the City  
18 Qualified Tree Professional to be the result of improper tree removal or land clearing activities at the  
19 site. This may result in claims against my bond pursuant to Section [18.27.040](#) of the Revised Code of  
20 Washington and other monetary penalties as allowed by this Chapter or State law.

21 B. Private professionals involved in land clearing operations who do not provide the above statement shall be  
22 prohibited from performing tree removal and land clearing services in the City of Lake Forest Park. Said  
23 professionals who do not provide this statement and perform land clearing services in the City of Lake Forest  
24 Park shall be considered in violation of this chapter and may be prosecuted under this chapter, the City's civil  
25 penalties ordinance, or as otherwise provided by law. All professional arborists, foresters, loggers, or other land  
26 clearing contractors or heavy equipment operators involved in land clearing operations shall be jointly  
27 responsible with the landowner for any land clearing violation and restitution required at a site as a result of  
28 improper land clearing activity.

29 **16.14.140 Liability.**

1 A. Liability for any adverse impacts, damages or injury resulting from work performed in accordance with any  
2 permit issued by the City under LFPMC [16.14.040](#)(B) shall be the sole responsibility of the permit applicant  
3 and/or owner of the property or site for which the permit was issued, and shall not be the responsibility of the  
4 City of Lake Forest Park. Issuance by the City of any permit under this chapter shall not be construed as an  
5 assumption of any risk or liability by the City of Lake Forest Park, nor as a warranty or guarantee that the work  
6 authorized by the permit will have no adverse impact or will cause no damages or injury to any person or  
7 property.

8 B. Issuance by the City of a permit under LFPMC [16.14.040](#)(B) and/or compliance by the applicant and/or  
9 property owner with any permit conditions therein shall not relieve an applicant and/or property owner from any  
10 responsibility otherwise imposed by law for any adverse impacts, injury or damage to persons or property  
11 resulting from the work authorized by any permit issued under this chapter.

12 C. Nothing contained in this chapter shall be deemed to relieve any property owner within the City limits from  
13 the duties imposed under LFPMC Chapter [8.12](#) to keep any tree or vegetation upon his or her property or  
14 under his or her control in such condition as to prevent it from constituting a hazard or a nuisance.

15 D. The amount of any security required as part of any land development permit with which tree removal is  
16 associated shall not serve as a gauge or limit to the compensation that may be owed by a property owner as a  
17 result of injury or damages to persons or property resulting from any tree removal authorized under this  
18 chapter.

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