

1 **Planning Commission Recommended Update compared to Existing 16.14**

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

5 Sections:

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21 **~~16.14.010 Findings.~~**

22 ~~The city council makes the following findings:~~

23 ~~A. The trees of Lake Forest Park, a reminder of the city's namesake, offer historic, aesthetic, ecological,~~  
24 ~~economic, health, safety and welfare values to the community. Trees in the city of Lake Forest Park:~~

25 ~~1. Improve the value of properties;~~

26 ~~2. Reduce runoff via canopy interception, uptake of water from the soil and evapotranspiration back~~  
27 ~~into the atmosphere;~~

1 ~~3. Reduce runoff which results in less soil erosion and stormwater which aids in protecting surface~~  
2 ~~waters from sedimentation and pollution;~~

3 ~~4. Reduce the risk of flooding and infrastructure costs;~~

4 ~~5. Improve air quality by removing dust and particulates from the air, and remove carbon dioxide~~  
5 ~~while creating oxygen;~~

6 ~~6. Provide cooling shade for homes, buildings, and asphalt/concrete surfaces, reducing heating and~~  
7 ~~cooling costs for residences and other buildings;~~

8 ~~7. Provide screening between different land uses or other objectionable views while buffering~~  
9 ~~traffic and other noise;~~

10 ~~8. Provide food and habitat for a variety of wildlife;~~

11 ~~9. Provide visual relief from hard lines of concrete structures and other buildings;~~

12 ~~10. Increase consumer patronage for commercial properties and boost occupancy rates for well-~~  
13 ~~treed shopping areas;~~

14 ~~11. Store carbon;~~

15 ~~12. Contribute to human health improvement by lowering levels of fear of residents, and less~~  
16 ~~violent and aggressive behavior by its citizens;~~

17 ~~13. Encourage better neighbor relations and better coping skills for its residents; and~~

18 ~~14. Provide a valuable asset to the community as a whole.~~

19 ~~B. Removal of trees from urban areas such as Lake Forest Park has resulted in the loss to the public of~~  
20 ~~these and many more beneficial functions of trees. (Ord. 1015 § 2, 2010)~~

21 **16.14.020 Purpose and intent.**  
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22 The purpose and intent of this chapter is to:

- 1 A. Implement certain strategies for the management and protection of Lake Forest Park’s urban forest  
2 resources described in those goals and policies of the Lake Forest Park ~~community forest management~~  
3 ~~plan~~Community Forest Management Plan that were accepted by the ~~city council~~City Council;
- 4 B. Preserve and enhance the tree canopy of Lake Forest Park by encouraging the protection of existing trees  
5 and stands of trees, and the replanting of new trees to replace those lost to old age, storms, development and  
6 other maladies;
- 7 C. Mitigate the economic, environmental, and aesthetic consequences of tree loss through protection and tree  
8 planting on public and private lands;
- 9 D. Provide guidelines to protect trees from adverse impacts during construction;
- 10 E. Encourage project designs that utilize existing trees in the landscape, or allow replacement of select native  
11 tree species to maintain the forested feel of Lake Forest Park;
- 12 F. To protect private property rights and allow property owners to make reasonable use of their property while  
13 protecting suitable and appropriate trees for that site; and
- 14 G. Maintain and protect the public health, safety, and general welfare. ~~(Ord. 1015 § 2, 2010)~~

15 **16.14.030 Definitions.**

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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 during the construction  
19 process of Major or Minor Development, through strict adherence to recommendations from the City’s Qualified  
20 Tree Professional.

21 “Best management practices (BMPs)” means adherence to tree health care standards detailed in the current  
22 edition of the American National Standards Institute (ANSI) A300, ~~the standards for proper tree care and the~~  
23 current edition of the International Society of Arboriculture (ISA) BMPs, including but not restricted to the  
24 following elements of tree protection and care:

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

- 1           2. Prevention of soil compaction from equipment operation and placement or storage of construction
- 2           materials in the vicinity of the critical root zone (CRZ);
- 3           3. Protection of the critical root zone (CRZ) of saved trees from changes in drainage that impact soil
- 4           moisture content;
- 5           4. Protection of existing trees from the impacts of exposure caused by removal of adjacent trees; and
- 6           5. Plant health care practices as published by the International Society of Arboriculture in their series of
- 7           best management practices for the various aspects of tree care.

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

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

12          “Canopy coverage” means ~~a measure of the lot area that is covered by the canopies of existing trees and/or~~  
13          ~~the canopy of trees on the lot and in the total of existing trees, immature trees, and newly planted~~  
14          ~~trees adjacent right-of-way. When a tree trunk straddles a property line, 50% of the canopy shall be counted~~  
15          ~~towards each property.~~ The canopy coverage of the immature trees and newly planted trees is determined  
16          using the projected canopy areas in the Lake Forest Park general tree list.

17          “Critical root zone (CRZ)” means the International Society of Arboriculture (ISA) definition of CRZ as an area  
18          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  
19          above grade (referred to as diameter at breast height). Example: A 24-inch diameter tree would have a critical  
20          root zone radius (CRZ) of 24 feet. The total protection zone, including trunk, would be 50 feet in diameter.

21          “Crown” means that portion of the trees stem that is occupied by branches with live foliage.

22          “DBH” is an acronym for tree diameter at breast height which means the diameter of existing trees measured  
23          4.5 feet above the ground line on the high side of the tree. ~~Multiple stemmed tree diameters shall be~~  
24          ~~determined by equating the canopy coverage of the tree to that of a single stemmed tree. For example,~~  
25          ~~three 12-inch DBH stems on a multi-stemmed bigleaf maple tree may have the same canopy coverage as~~  
26          ~~a single stemmed 20-inch DBH bigleaf maple. Refer to the general tree list maintained by the city.~~ For the

1 purposes of code enforcement, if a tree has been removed and only the stump remains, the size of the tree  
2 shall be the diameter of the top of the stump adjusted to DBH using published tables or regression curves.

3 ~~“Development activity” means any activity that requires federal, state, or local approval for the use or~~  
4 ~~modification of land or its resource. These activities include, but are not limited to, variances; shoreline~~  
5 ~~substantial development; clearing activity; excavation; embankment; fill and grade work; converting~~  
6 ~~fallow land or undeveloped land to agricultural purposes; activity conditionally allowed; building or~~  
7 ~~construction; revocable encroachment permits; and septic approval.~~

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

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

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

13 “Exceptional Tree” means a tree, which because of its species, age, size or condition, is of significant cultural,  
14 landscape, or nature conservation value, as determined by the City’s Qualified Tree Professional.

15 “Five-Year Forest Management Plan” means a plan for tree removal, tree planting, tree maintenance and forest  
16 enhancement over the course of five years. A Five-Year Forest Management Plan cannot be associated with  
17 Major Development Activity.

18 “General tree list” means a list of trees species that is maintained by the ~~city~~City and approved by the ~~city’s~~  
19 ~~qualified tree professional~~City’s Qualified Tree Professional for planting as replacement and mitigation trees.

20 The general tree list also establishes which tree species that are prohibited from being planted as replacement  
21 and mitigation trees. The general tree list may also contain additional information that is deemed by the ~~city~~City  
22 to be the basis for determining how many replacement trees may be required to meet the standards of this  
23 chapter.

24 ~~“Hazard tree” means a tree that is dead, dying, diseased, damaged, structurally defective, or exposed by~~  
25 ~~recent removal of adjacent trees which increases the risk of tree failure. The tree or tree parts have a target~~  
26 ~~and the reasonable person would expect the tree to strike the target when failure occurs. A target is a~~  
27 ~~person or property that may be injured or damaged by failure of the tree or its parts. Tree removal may be~~  
28 ~~necessary if the tree cannot be made safe by pruning or moving of the target.~~

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

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

5 “Landmark tree” means a tree that is at least ~~28~~24 inches in diameter (DBH). For multi-stemmed trees, if the  
6 three largest stems, when summed, are at least 24 inches in diameter (DBH), the tree shall be considered a  
7 Landmark Tree. For trees with two stems, if the stems, when summed, are at least 24 inches in diameter  
8 (DBH), the tree shall be considered a Landmark Tree.

9 “Limits of disturbance” means the boundary between the area of minimum protection around a tree and the  
10 allowable site disturbance as determined by the ~~city’s qualified tree professional~~City’s Qualified Tree  
11 Professional.

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

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

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

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

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

1 ~~“New development” means construction associated with new subdivisions or short subdivisions as~~  
2 ~~defined and applied in Chapter 58.17 RCW.~~

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

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

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

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

14 “Qualified ~~tree professional~~Tree Professional” is an individual who is a certified professional with academic and  
15 field experience that makes them a recognized expert in urban forestry and tree protection during development.

16 ~~A qualified tree professional~~A Qualified Tree Professional shall be a member of the International Society of  
17 Arboriculture (ISA) and/or the Association of Consulting Arborists and shall have specific experience with urban  
18 tree management in the state of Washington. Additionally the ~~city’s qualified tree professional~~City’s Qualified  
19 Tree Professional shall be a certified arborist or board certified master arborist, as certified by the International  
20 Society of Arboriculture, and be ISA Tree Risk Assessment Qualified and have the necessary training and  
21 experience to use and apply the appraisal methodology prescribed in the current edition of the ISA Plant  
22 Appraisal Guide.

23 “Significant ~~tree~~Tree” means ~~any healthy~~a tree six inches or greater in diameter (DBH).

24 ~~“Specimen tree” means a tree of exceptional size, form, For multi-stemmed trees, if any one stem is six~~  
25 ~~inches or rarity greater in diameter (DBH), the tree shall be considered a Significant Tree.~~

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

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

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

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

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

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

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

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

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

26 “Wildlife ~~snag~~ Habitat Tree” means the remaining trunk of a dead, dying, diseased, or hazard tree that is  
27 reduced in height and stripped of all live branches. To be considered as a wildlife ~~snag~~ habitat tree, the tree

1 must be at least 12 inches DBH and 20 feet tall. The actual ~~snag~~wildlife habitat tree height must consider the  
 2 surrounding targets.

3 “Windfirm” means a tree that is healthy and well-rooted and the ~~city’s qualified tree professional~~City’s  
 4 Qualified Tree Professional has evaluated and determined that it can withstand normal winter storms in Lake  
 5 Forest Park. (~~Ord. 1015 § 2, 2010~~)

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

7 A. Permit Required. No person or their representative, directly or indirectly, shall remove or destroy any  
 8 significant tree located within the ~~city~~City without first obtaining a tree permit in accordance with this chapter  
 9 ~~and Table 1~~, unless exempted or receiving an exception listed in LFPMC 16.14.050.

10

**Table 1**

<del>Lot Size and Use Category</del>	<del>Canopy Coverage Goal</del>	<del>Maximum Tree Removal with Arborist Consult Permit a 36-Month Period(1)</del>	<del>Maximum Tree Removal with Administrative Permit a 36-Month Period(2)</del>
<del>Single family lots greater than 15,000 square feet</del>	<del>58%</del>	<del>2 Significant or Landmark Trees</del>	<del>2 Significant Trees</del>
<del>Single family lots 10,000—15,000 square feet</del>	<del>39%</del>	<del>2 Significant or Landmark Trees</del>	<del>2 Significant Trees</del>
<del>Single family lots less than 10,000 square feet</del>	<del>28%</del>	<del>2 Significant or Landmark Trees</del>	<del>2 Significant Trees</del>
<del>Multifamily lots</del>	<del>15%</del>	<del>1 Significant or Landmark Tree</del>	<del>1 Significant Tree</del>
<del>Commercial lots</del>	<del>15%</del>	<del>1 Significant or Landmark Tree</del>	<del>1 Significant Tree</del>
<del>(1) Required to remove any landmark tree (28 inches diameter or greater) or when proposed development activity will occur within the dripline or critical root zone (CRZ) of no more than two significant trees.</del>			
<del>(2) Mandatory replacement plan including one replacement tree for each significant tree removed or equivalent payment into tree fund.</del>			

1 B. Permit ~~Types-Requirements.~~ Tree removal ~~must be authorized by one of~~ permits shall be reviewed  
2 ~~according to~~ the following ~~types of permits, as applicable~~ standards:

3 ~~1. Administrative~~ 1. Permits not Requiring Arborist Review ~~Permit.~~ Tree removal may be authorized  
4 ~~by an administrative review permit for removal of no more than two.~~ Removal of two or fewer  
5 significant trees within any 36-month period ~~may be authorized without arborist review,~~ unless ~~otherwise~~  
6 ~~authorized by an arborist consult permit,~~ the trees are located in an environmentally sensitive area or  
7 sensitive area buffer, or if Major Development Activity has occurred within the past five years. The  
8 ~~administrator~~ Administrator may require that the proposed tree removal be reviewed ~~as an arborist~~  
9 ~~consult permit if the administrator~~ by the City's Qualified Tree Professional if the Administrator  
10 determines that the removal could result in a threat to persons or damage of property, ~~or if the tree~~  
11 ~~removal may result in the property dropping below its canopy coverage goal as defined in Table 1 in~~  
12 ~~LFPMC 16.14.080.~~

13 2.- Permits Requiring Arborist ~~Consult Permit.~~ Review. Review by the City's Qualified Tree removal  
14 ~~may~~ Professional shall be ~~authorized by an arborist consult permit when required under the following~~  
15 ~~circumstances:~~

16 a. ~~When one or more Landmark Trees is proposed development activity will occur for~~  
17 ~~removal.~~

18 b. ~~When three or more Significant Trees are proposed for removal within the dripline or~~  
19 ~~critical root zone~~ any 36-month period.

20 c. ~~When any tree proposed for removal, regardless of no more than two significant or two~~  
21 ~~landmark~~ size, is located in an environmentally sensitive area or buffer as defined by LFPMC  
22 16.16.

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

25 e. ~~When trees-~~ are proposed for removal on a property on which Major Development Activity  
26 has occurred within the last five years.

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

1 ~~C. 3. Arborist Review Permit.~~ Tree removal ~~may be authorized by an arborist review~~  
2 ~~permit for removal of three or more trees in a 36-month period on a single-family lot or more than~~  
3 ~~one tree on a multifamily or commercial lot, except when the administrator determines that the~~  
4 ~~proposed removal may be approved under an arborist consult permit. All new development, both~~  
5 ~~residential and commercial, shall require an arborist review permit.~~

6 ~~C. Administrative review, arborist consult and arborist review permits expire 180~~one year (365 days) after  
7 the date the permit is issued.

8 ~~D. Permit Denial. If the administrator or the city's qualified tree professional determines that a proposed~~  
9 ~~tree removal is substantially likely to result in injury or damage, unless the Administrator and City's~~  
10 ~~Qualified Tree Professional have approved a Five-Year Forest Management Plan, in which case the permit~~  
11 ~~shall expire five years after the date the permit is issued. The Administrator may grant an extension of up to~~  
12 ~~persons or property, or will reduce the tree canopy on the subject property below~~six months if the  
13 ~~applicable canopy coverage goal, the city may deny the permit, or require tree replacement~~applicant  
14 ~~provides a written request prior to achieve canopy coverage for that lot in accordance with~~  
15 ~~LFPMC 16.14.080:expiration.~~

16 ~~E. Permit Application and~~D. Posting Requirements.

17 ~~1. For administrative and arborist consult permits, the notice~~1. Notice of Application. Notice of  
18 ~~application shall be posted for two~~on-site, in a place where it can be read from the nearest public  
19 ~~street. If the property is located on a private street, notices shall be posted on-site, in a place where it~~  
20 ~~can be read from the private street, as well in a place where it can be read from the nearest public~~  
21 ~~street.~~

22 ~~a. For permits not requiring arborist review, the notice of application shall be posted for a~~  
23 ~~minimum of two business days prior to permit approval. In order for the notice of~~  
24 ~~application to be posted for an administrative review permit, the~~decision, and shall remain  
25 ~~posted until a decision is issued. The~~ applicant must sign and attest that no landmark trees  
26 ~~(over 28 inches in diameter) are being removed.~~

27 ~~2. b. For permits requiring arborist review~~permits, the notice of application shall be posted  
28 for ~~at least 14 days as required by Chapter 16.26~~LFPMC prior to permit approval

1 minimum of 14 calendar days prior to permit decision, and shall remain posted until a decision  
2 is issued.

3 3-c. When the proposal involves removing 5 or more trees which constitute 50 percent or  
4 more of the canopy on the subject parcel, notice of application procedures shall comply with  
5 LFPMC 16.26.040.

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

9 2. Notice of Decision. Tree removal may commence immediately upon posting of an approved tree  
10 permit on the subject site ~~at a conspicuous location in the same manner described in LFPMC~~  
11 16.14.040(D)(1). The tree permit shall remain posted at least one week (7 calendar days) after the  
12 approved activity has been completed.

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

17 E. Appeals. Appeals of ~~administrative determination~~ tree permit decisions shall follow LFPMC  
18 Chapter 2.391.25 LFPMC. (Ord. 1015 § 2, 2010).

## 19 16.14.050 Exemptions Tree Removal Criteria.

20 A. The following are exempt from the requirements of this chapter:

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

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

25 1. Emergency actions necessary to remedy an immediate threat to people or property, or public health,  
26 safety or welfare by a ~~hazard~~ high-risk or extreme-risk tree ~~may be undertaken without a permit.~~ Any  
27 person undertaking such an action shall ~~notify the planning director within one working day~~

1 ~~following commencement of the emergency action and shall apply to the planning director for~~  
2 ~~review of the work performed.;~~

3 a. Notify the Administrator within one working day following commencement of the emergency  
4 action.

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

8 c. LFPMC 16.14.050(B. ~~Trees may be removed~~)(1)(a) and (b) do not apply to emergency  
9 actions taken by the ~~city~~City, or electric or other utilities.

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

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

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

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

1 6. The City, or electric or other utilities may remove trees without a permit for the normal course of  
2 maintenance of the utilities, street lights, sidewalks, signage or public rights-of-way, ~~or for situations~~  
3 ~~involving immediate danger to life or property, including impeding safe traffic vision or flow, or~~  
4 ~~interruption of services provided by the utility. To be exempt for maintenance-related tree~~  
5 ~~removal, a utility must have an approved right-of-way permit. A utility must have an approved right-~~  
6 ~~of-way permit. Agencies receiving this exception must follow the prohibition on topping trees in~~  
7 ~~16.14.100(B)(1), and shall follow ANSI A300 Pruning Standards, the ISA Best Management Practices~~  
8 ~~for the Utility Pruning of Trees, and the ANSI Z.133 Safety Requirements for Arboricultural Operations,~~  
9 ~~or the current editions of these.~~

10 ~~C. The removal of dead trees.~~

11 ~~D. Sensitive Areas and Sensitive Area Buffers. A tree~~ C. Environmentally Sensitive Areas. Removal of trees  
12 in environmentally sensitive areas and their buffers, as defined by LFPMC 16.16, is prohibited, except that  
13 permits may be issued in the following circumstances:

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

18 a. moderate risk with significant consequences;

19 b. moderate risk with severe consequences;

20 c. high risk; or

21 d. extreme risk

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

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

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

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

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

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

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

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

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

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

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

19 1. If the application of this chapter will prevent any reasonable economic use of the owner's property,  
20 then the applicant may apply to the planning department for an exception from the requirements of this  
21 chapter; may be applied for in accordance with the provisions of LFPMC Chapter 16.26.

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

24 3. The hearing examiner shall grant an exception only be removed in accordance with  
25 Chapter 16.16 LFPMC. (Ord. 1015 § 2, 2010)if:

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

1 b. There is no other reasonable economic use with less impact on the sensitive area; and

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

5 d. Any alteration is the minimum necessary to allow for reasonable economic use of the  
6 property.

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

9 5. The hearing examiner shall condition any exception from the requirements of this chapter upon  
10 conditions recommended by the City and upon compliance with any mitigation plan approved by the  
11 City.

12 **16.14.060 Qualified tree professional.**

13 A. The ~~city~~City shall contract with one or more professionals that qualify as a qualified tree professional under  
14 the definition of this chapter. Said professional or professionals shall be responsible for providing the  
15 information and services required of the ~~city's qualified tree professional~~City's Qualified Tree Professional  
16 described herein.

17 B. Individual applicants will be responsible for payment of the costs and fees of the ~~city's qualified tree~~  
18 ~~professional~~City's Qualified Tree Professional for projects necessitating work to be performed by the ~~city's~~  
19 ~~qualified tree professional with the exception of administrative review permits and in cases where a~~  
20 ~~project is determined to be exempt. (Ord. 1015 § 2, 2010)~~City's Qualified Tree Professional.

21 **16.14.070 ~~Tree plan required~~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 ~~city's qualified tree professional~~. ~~The city's qualified tree~~  
25 ~~professional may consider previous tree removal activity in the vicinity of the proposed tree removal in~~  
26 ~~determining if the proposed action could result in a threat to persons or potential damage to~~  
27 ~~property~~. Administrator and, in cases which require arborist review, by the City's Qualified Tree Professional.

1 A. ~~Administrative Review Permit. An administrative review~~ Tree Removals and Canopy Assessment. A  
2 tree removal and replacement permit shall not associated with Major Development Activity or Minor  
3 Development be approved based on the following:

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

5 a. The name, address, email, and phone number of the applicant and owner of the property. ~~The~~  
6 ~~locations of tree(s) to be removed;~~

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

8 c. Nearby structures and streets;

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

10 d. ~~A description of proposed activity within the dripline of surrounding significant trees to~~  
11 ~~remain.~~

12 ~~2. A tree replacement tree plan showing the location(s) and species of the new tree(s) shall be~~  
13 ~~submitted with the permit application. The applicant shall be required to replace the removed~~  
14 ~~significant tree(s) on a one-for-one basis according to the standards set in LFPMC 16.14.080(G)(1)~~  
15 ~~through (5).~~

16 B. ~~Arborist Consult Permit. An arborist consult permit shall be approved based on the following:~~

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

18 ~~a-e.~~ The locations of tree(s) to be removed;

19 b. ~~Nearby structures;~~

20 e. ~~Locations of other significant trees surrounding~~ environmentally sensitive areas or buffers.

21 2. If arborist review is required, a report written or approved by the ~~tree(s) to be removed;~~ City's  
22 Qualified Tree Professional.

23 d. ~~A description of proposed activity within the dripline of surrounding significant trees to~~  
24 ~~remain.~~

1 ~~23~~. If the canopy coverage is below the minimum threshold established for the size of lot, the applicant  
2 shall be required to replace the removed significant tree(s) according to the standards set forth in  
3 LFPMC [16.14.080](#).

4 ~~34~~. 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 ~~with the prior to~~ permit ~~application issuance~~.

6 ~~C. Arborist Review Permit.~~ B. Tree Removal and Canopy Assessment related to Major Development Activity  
7 or Minor Development Activity. The tree assessment for the tree protection plan should be prepared as early in  
8 the project design process as possible to improve the applicant's ability to incorporate existing Viable trees into  
9 the project and to provide adequate protection. ~~An arborist review permit~~ Tree removal applications  
10 associated with Major Development Activity or Minor Development Activity shall at a minimum include the  
11 following information:

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

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

14 3. A site map (to scale) with a north arrow depicting accurate location of site features including buildings,  
15 driveways, environmentally sensitive areas and buffers, forest stands or open-grown single or clusters of  
16 significant trees, the dripline of the stand, cluster, or individual tree, along with any other off-site trees  
17 that may be impacted by tree removal, excavation, ~~or~~ grading, or other development activity during this  
18 project.

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

23 5. A tree list showing which trees are to be protected and removed, ~~along with any other necessary~~  
24 ~~cultural care~~. Include the ~~minimum~~ critical root zone (CRZ) distances in the list.

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

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

1 a. Attendance of the ~~city's~~City's qualified tree professional at the pre-job conference to discuss  
2 tree protection activity.

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

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

5 d. Removal of fences at end of construction.

6 e. Final inspection of protected trees by ~~city's~~City's qualified tree professional.

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

10 9. ~~The above tree information shall be required only for trees potentially impacted on developing or~~  
11 ~~developed lots. For subdivisions and short-subdivisions, the designation of a tree tract is required, in~~  
12 ~~accordance with LFPMC 16.14.080(B).~~

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

16 ~~11. , as well as~~ If the canopy coverage after removal is below the minimum threshold established for the  
17 size of lot, the applicant shall be required to replace the removed Significant Tree(s) according to the  
18 standards set forth in LFPMC 16.14.080.

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

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

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

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

1 b. The locations of tree(s) to be removed:

2 c. Nearby structures and streets:

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

4 e. Locations of environmentally sensitive areas ~~regulations, clearing, grading, and stormwater~~  
5 ~~management regulations, or to protect public or private property. These conditions may~~  
6 ~~include, but are not limited to, recommendation of specific work methods or buffers.~~

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

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

11 4. The applicant shall be required to replace the removed Significant Tree(s) according to the standards  
12 set forth in LFPMC 16.14.080.

13 5. 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 6. The City's Qualified Tree Professional shall undertake annual site visits at the expense of the  
16 applicant and submit annual progress reports to the Administrator for the five years that the permit is  
17 valid. Changes to the approved plan may only be made with approval of both the Administrator and the  
18 City's Qualified Tree Professional.

19 **16.14.080 Tree retention and replacement standards.**

20 This section provides standards for determining when and how trees must be retained or replaced. The City will  
21 apply these standards when considering an application for a tree permit as described in LFPMC 16.14.040.

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

26 **Table D-1**

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

1

2 B. Canopy coverage shall be defined by the City’s Qualified Tree Professional for all permits requiring arborist  
3 review. For permits not requiring arborist review, the Administrator may waive replacement requirements only  
4 when he or she can determine that the remaining canopy after removal will exceed the canopy coverage goal  
5 by at least ten percent.

6 C. Tree Replacement Requirements.

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

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

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

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

9 5. The replacement tree species shall be selected from the ~~Lake Forest Park approved~~ general tree list,  
10 for the City of Lake Forest Park which is maintained by the ~~city. Only trees on the list can be used as~~  
11 replacement trees~~City. Trees listed as noxious or invasive species by King County, or prohibited in the~~  
12 general tree list are not acceptable for replacement or mitigation trees. In environmentally sensitive  
13 areas or their buffers, replacement trees must be native trees or acceptable substitutes, as defined by  
14 the general tree list. Any substitution of trees that are not on the general tree list, and any alternative  
15 methods of replacement, must be approved by the City's Qualified Tree Professional.

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

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

20 a. Deciduous trees, two inches caliper.

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

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

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

26 10. For all Major Development Activity, The City's Qualified Tree Professional shall undertake annual site  
27 visits at the expense of the applicant and submit annual progress reports to the Administrator for three

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

3 11. The applicant is required to provide watering until replacement trees are independently viable. ~~other~~  
4 tree types are approved by the city's qualified tree professional. A list of invasive species and  
5 nuisance species of treesReplacement trees that die prior to meeting the definition of Significant Tree  
6 must be replaced by a replacement tree meeting the criteria of this section and any canopy coverage  
7 goal requirements that the expired tree was intended to provide.

8 D. Tree Conservation Easement. New subdivisions and short subdivisions are required to create a tree  
9 conservation easement. This conservation easement shall be selected to save existing high quality, windfirm,  
10 long-term existing trees on the site. If suitable trees are not present, then the tree conservation easement  
11 should abut other existing stands of off-site trees, or sensitive areas. If all or portions of the tree conservation  
12 easement are not treed, then the conservation easement shall be replanted to achieve full canopy coverage  
13 (100%) when the newly planted trees reach 30 years of age, excluding borrowed canopy from off-site trees.

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

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

16 b. No dimension of the easement may be less than 15 feet.

17 c. A 15-foot setback shall be maintained ~~by the city. Invasive and nuisance trees shall not~~  
18 be planted as replacement treesfrom the edge of the tree conservation easement and any  
19 structures.

20 d. A 5-foot setback shall be maintained from side-yard lot lines, unless the tree conservation  
21 easement is contiguous to an existing stand of mature trees on the adjacent property.

22 e. The conservation easement shall not overlap with a sensitive area tract.

23 f. The boundary between the Tree Conservation Easement area and adjoining land shall be  
24 identified with either split rail fencing or permanent signs.

25 g. Tree Conservation Easements shall be recorded on all documents of title or record for all  
26 affected lots.

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

7 F. For tree permits associated with any ~~other new development proposals, including new residential or~~  
8 ~~commercial development, variance requests, conditional use permits and reasonable use exceptions~~Major  
9 Development Activity, a notice on title in the form required by LFPMC 16.16.190 shall be recorded by the  
10 permittee disclosing the tree permit and associated tree retention conditions required by this subsection. (~~Ord.~~  
11 ~~1015 § 2, 2010~~)

12  
13  
14 ~~G16.14.080 Tree retention and replacement standards.~~

15 ~~This section provides standards for determining when and how trees must be retained or replaced. The city~~  
16 ~~will apply these standards when considering an application for a tree permit under LFPMC 16.14.040.~~

17 ~~A. The minimum standard for tree retention is determined by tree canopy coverage goal for the lot sizes~~  
18 ~~and land use types set forth in Table 2 below. Tree canopy coverage is measured by the percentage of~~  
19 ~~canopy provided by existing trees or the projected canopy coverage to be provided by newly planted or~~  
20 ~~immature trees (when such trees reach 30 years of age).~~

21 ~~Table 2~~

	<b>Canopy Coverage Goal</b>
<del>Single family lots greater than 15,000 square feet</del>	<del>58%</del>
<del>Single family lots 10,000 – 15,000 square feet</del>	<del>39%</del>

	<b>Canopy Coverage Goal</b>
Single family lots less than 10,000 square feet	28%
Multifamily	15%
Commercial	15%

1. A person whose tree removal causes a lot's canopy coverage to fall below the canopy coverage goal shown in Table 2 above shall obtain administrator approval of and implement a tree replacement plan that brings canopy coverage to the applicable percentage specified in Table 2 above (when the replacement trees reach 30 years of age).

2. Where the lot on which tree removal occurs is below the canopy coverage goal shown in Table 2 prior to tree removal, the person removing the tree shall obtain administrator approval of and implement a tree replacement plan that brings canopy coverage to the percentage that existed prior to the proposed tree removal (when the replacement trees reach 30 years of age).

3. A person obtaining an arborist review permit associated with new development shall obtain administrator approval of and implement a tree replacement plan that achieves the applicable minimum canopy coverage specified in Table 2 above (when the replacement trees reach 30 years of age).

~~B. New subdivisions, short plats, and new multifamily or commercial developments are required to create a tree tract equal to five percent of the gross project area. This tract shall be selected to save existing high quality, windfirm, long term existing trees on the site. If suitable trees are not present, then the tree tract should abut other existing stands of off site trees, or sensitive, or other undevelopable areas such as steep slopes. If all or portions of the tree tract are not treed, then the tract shall be replanted to achieve canopy coverage when the newly planted trees reach 15 years of age.~~

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

~~1. Landmark trees; Existing Viable Trees in groups or stands;~~

- 1           2. ~~Specimen trees~~ Exceptional Trees or other high quality open-grown, windfirm trees;
- 2           3. Landmark Trees;
- 3           4. Trees in ~~critical~~sensitive area buffers, or adjacent to ~~critical~~sensitive area buffers:
- 4           a5. Trees that are interdependent with and therefore critical to the integrity of stands of other protected
- 5           trees;

- 6                    b. ~~Existing healthy trees in groups or stands~~;
- 7           e-6. Other individual trees that will be windfirm, high quality trees if retained;
- 8           d-7. Other trees that provide wildlife or riparian habitat, screening, buffering or other amenities;
- 9           e-8. Trees that help to protect neighbors' trees from windthrow, or other trees within required yard
- 10          setbacks or on the perimeter;
- 11          f9. Trees next to parks or other open space areas.

12

13   DH. The ~~administrator~~Administrator may require an applicant to implement other measures designed to

14   mitigate the loss of trees, such as requiring the restoration of all or parts of the forest landscape and its

15   associated benefits, including but not limited to:

- 16          1. Creation of wildlife ~~snags~~habitat trees from trees which would otherwise be removed;
- 17          2. Replacement of ornamental trees with native shrubs and groundcover;
- 18          3. Replacement of ~~hazardous~~high-risk or short-lived trees with healthy new trees more likely to survive;
- 19          4. Restoration of stream corridors with native vegetation; or
- 20          5. Protection of nonsignificant trees to provide for the successional stages of forest development.

21   EJ. Measurement of Canopy Coverage.

- 22          1. Existing Open-Grown Trees.

- 1 a. Measure the radius of the tree's canopy at its widest and narrowest points and calculate the  
2 average canopy radius for the tree.
- 3 b. Calculate the tree's canopy coverage (ft<sup>2</sup>) using the average canopy radius and the formula:  
4  $\pi r^2$  where  $\pi = 3.1416$  and  $r =$  the canopy radius in feet.
- 5 c. Add up the calculated canopy coverage for all trees on the parcel in square feet and divide by  
6 the total lot area to determine the percentage canopy cover.
- 7 2. For contiguous stands of trees, traverse the perimeter of the stand within the parcel to calculate the  
8 area under the tree canopy and the resulting canopy percentage. In some cases, use of high-resolution  
9 aerial photography may be used for larger stands.
- 10 3. For newly planted or immature trees less than 30 years old, calculate the projected canopy coverage  
11 at age 30 using the information provided in the approved general tree list for the ~~city~~City of Lake Forest  
12 Park. Sum these canopy coverage areas to project the lot canopy coverage as trees reach an age of 30  
13 years.

14

15 ~~F. Incentives for Higher Levels of Tree Retention for New Development. The administrator may grant~~  
16 ~~reductions or adjustments to other site development standards if doing so will allow retention of a~~  
17 ~~sufficient number of existing, healthy significant trees and tree canopy coverage in excess of the goal~~  
18 ~~required by Table 2 above. On a case-by-case review, the administrator shall determine the balance~~  
19 ~~between tree protection that exceeds the established minimum percentage and variations to site~~  
20 ~~development requirements. Authorized adjustments include:~~

21 ~~1. Reductions or variations of the area or width of required open space, tree tract requirement,~~  
22 ~~and/or landscaping;~~

23 ~~2. Variations in parking lot design and/or access requirements; or~~

24 ~~3. Reduction in the width of certain easements.~~

25 ~~G. Tree Replacement Requirements. For lots under the canopy coverage goal that propose tree removal~~  
26 ~~activity requiring an arborist review permit, native conifers shall comprise at least 30 percent of the~~  
27 ~~replacement trees. The number of required replacement trees is determined by the number of trees that~~

1 will, at age 30, achieve tree canopy coverage equal to or greater than the minimum canopy coverage  
2 required by Table 2 above for the type of lot. The replacement tree species shall be selected from the  
3 approved general tree list for the city of Lake Forest Park which is maintained by the city. Trees listed as  
4 prohibited in the general tree list are not acceptable for replacement or mitigation trees. Any substitutions  
5 of trees that are not on the list or alternative methods of replacement must be approved by the city's  
6 qualified tree professional.

7 ~~1. The minimum size of replacement trees should be:~~

8 ~~a. Deciduous trees, two inches caliper.~~

9 ~~b. Conifers, a minimum of six feet tall.~~

10 ~~2. All trees must be containerized or balled and burlap stock and be planted according to industry~~  
11 ~~standards.~~

12 ~~3. All trees shall meet the minimum standards for size and quality according to the current edition of the~~  
13 ~~ANSI Z60.1 standard for nursery stock.~~

14 ~~4. A maintenance bond of 125 percent of the projected cost of tree replacement is required for~~  
15 ~~required tree replacement on all new development projects. This bond will be maintained for 60~~  
16 ~~months after planting of the new trees.~~

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

21 ~~H. On-Site Replacement. Replacement trees shall be planted on the site from which significant trees are~~  
22 ~~removed. The administrator may waive the on-site tree replacement requirement;~~ J. On-Site Replacement  
23 In-lieu Fee.

24 1. For applications where four or fewer trees are proposed for removal, the applicant may elect not to  
25 replace trees on site provided, that the applicant pays an amount determined by a qualified tree  
26 professional/Qualified Tree Professional into the city/City tree account that is equivalent to the total

1 cost for purchase and installation of each replacement tree and three years of maintenance for each  
2 replacement tree. ~~(Ord. 1015 § 2, 2010)~~ that would otherwise be required.

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

8 3. For applications where landmark trees proposed for removal, the applicant may elect not to replace  
9 trees on site; provided, that the applicant pays an amount determined by a Qualified Tree Professional  
10 as stated in subsection 1 above. For the purposes of calculation of the in-lieu fee, each landmark tree  
11 not replaced on site will be subject to an in-lieu fee that is double the value established by subsections  
12 1 and 2 above.

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

#### 17 **16.14.090 Tree protection and design measures.**

---

18 A. Tree Protection Measures. To ensure long-term viability of trees identified for protection:

19 1. All required tree protection measures shall be shown on the demolition, grading, and tree protection  
20 plan along with a timeline for tree protection activity.

21 2. All construction activities, including staging and traffic areas, shall be prohibited within five feet of the  
22 dripline of protected trees.

23 3. Tree protective fencing shall be installed at the limits of disturbance and completely around trees to be  
24 protected prior to any land disturbance unless otherwise delineated by the qualified tree professional.

25 4. Tree protective fencing shall be a minimum of four feet high, constructed of chain link or polyethylene  
26 laminar safety fencing or similar material, subject to approval by the ~~city~~City. The fence must be  
27 constructed on steel posts with a minimum spacing of eight feet on center. "Tree Protection Area – Keep

1 Out” signs shall be posted visibly on all sides of the fenced areas. Tree protection fencing shall be  
2 maintained throughout construction.

3 5. Where tree protection areas are remote from areas of land disturbance, and where approved by the  
4 cityCity, alternative forms of tree protection may be used in lieu of tree protective fencing; provided, that  
5 the critical root zones of protected trees or stands of trees are clearly delineated with continuous rope or  
6 flagging and accompanied by “Tree Protection Area – Keep Out” signs.

7 6. Additional protection recommendations for At-Risk trees may be required by the City’s Qualified Tree  
8 Professional, throughout the development process.

9 a. Any At-Risk tree requiring removal due to inadequate adherence to the City’s Qualified  
10 Tree Professional’s protection measures will be subject to enforcement described in LFPMC  
11 16.14.120 A.1.

12 b. A “Protect tree” sign shall be prominently displayed on each fence adjacent to an At-Risk  
13 tree prior to the beginning of any construction activity. The sign shall be provided by the  
14 Administrator. Removal of the sign or the fence is subject to a penalty according to LFPMC  
15 16.14.120.E.

16 c. Tree protection fencing must be maintained with no material storage within that area  
17 between the fencing and the tree.

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

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

- 24 1. Pruning of visible deadwood on trees to be protected;
- 25 2. Application of fertilizer to enhance the vigor of stressed trees;
- 26 3. Use of soil amendments and soil aeration in tree protection and/or replanting areas;

1 4. Mulching over tree dripline areas; and

2 5. Providing watering during and immediately after construction.

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

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

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

11 2. Sidewalks, driveways, structures and utilities may be located within the dripline or critical root zone  
12 (CRZ) of a protected tree; provided, ~~that construction methods and materials used will result in~~  
13 ~~minimal disruption of the tree's roots, and that tree protection measures are proposed and approved~~  
14 ~~by the city's qualified tree professional. that the City's Qualified Tree Professional finds that:~~

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

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

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

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

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

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

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

6 4. The project grading plans shall accommodate existing trees and avoid alteration to grades around  
7 existing significant trees. (~~Ord. 1015 § 2, 2010~~)

### 8 **16.14.100 Tree maintenance.**

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9 A. All protected trees, required replacement trees, and/or relocated trees so designated on an approved permit  
10 and replanting plan, shall be maintained in healthy condition by the property owner unless otherwise approved  
11 by the ~~city~~City in a subsequent permit. If the canopy coverage falls below the approved coverage granted by  
12 latest permit, the property owner will be required to plant replacement trees to achieve the approved canopy  
13 requirements.

#### 14 B. Pruning.

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

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

18 3. Pruning and maintenance of protected trees shall be consistent with the ANSI A300 standards and  
19 ISA best management practices for proper pruning. ~~Hazard trees should be pruned or removed as~~  
20 ~~necessary to protect people and property.~~ (~~Ord. 1015 § 2, 2010~~)

### 22 **16.14.110 City tree account.**

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23 A. The ~~city council~~City Council shall establish in the budget ordinance a ~~city~~City tree account in the general  
24 fund.

25 B. The ~~city~~City shall credit to the ~~city~~City tree account:

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

2. Other monies allocated by the ~~city council~~City Council.

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

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

2. Planting and maintaining trees within the ~~city~~City; or

3. Other purposes relating to trees as determined by the ~~city council. (Ord. 1015 § 2, 2010)~~City Council.

### 16.14.120 Enforcement.

A. Violations. Violations of this chapter may be addressed by the administrator pursuant to the provisions set forth below. As an additional or alternative remedy and/or penalty, the administrator may also enforce the provisions of this chapter using the procedures set forth in ~~Chapter 18.71 LFPML~~LFPML Chapter 1.25.

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

2. Tree replacement ~~to the value of the appraised value of removed trees~~ is required in accordance with LFPML 16.14.080.

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

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

B. Increased Permit Fees. In addition to or in place of any other remedy or penalty authorized by this code, the administrator may charge a fee equivalent to triple the fee ~~associated with~~determined for an ~~arborist consult~~after-the-fact permit to any person who conducts unpermitted activity requiring ~~an administrative, arborist consult or arborist review~~a tree removal permit, or who fails to provide sufficient evidence that such activity met the requirements of LFPML 16.14.050, Exemptions and Exceptions.

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

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

9 1. All work shall be performed in accordance with permits obtained pursuant to this chapter.

10 2. Remedial measures must conform to the purposes and intent of this chapter and meet all  
11 requirements and standards of this chapter.

12 3. Remedial measures must be completed within the time frame specified by the administrator.

13 4. The cost of any remedial measures necessary to correct violation(s) of this chapter shall be borne by  
14 the property owner and/or applicant.

15 E. Penalties. The administrator may, in addition to the replacement tree requirement, impose a penalty of up to  
16 \$5,000 per tree for removal of or damage to significant trees in violation of this chapter. This penalty may be  
17 imposed in addition to or in lieu of any penalty imposed pursuant to the procedures of  
18 ~~Chapter 18.71-LFPMC-LFPMC 1.25~~. A person may obtain administrative review of a penalty imposed under  
19 this subsection in accordance with the provisions of LFPMC ~~18.71.0701.25~~. ~~(Ord. 1015 § 2, 2010)~~.

#### 20 **16.14.130 Requirements for tree services and others doing land clearing and tree** 21 **removal.**

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22 A. In order to assure compliance with the standards and requirements of this chapter, private foresters,  
23 arborists, and logging and land clearing contractors or others and heavy equipment operators involved in land  
24 clearing operations in the ~~cityCity~~ of Lake Forest Park shall be required to sign and submit a statement of tree  
25 canopy preservation and enhancement acknowledgment to the ~~cityCity~~ of Lake Forest Park. This statement  
26 shall attest such arborist, forester, or contractor's knowledge of the ~~cityCity~~ of Lake Forest Park's tree  
27 protection requirements. This statement shall be required in addition to the city business licensing requirements

1 set forth in LFPMC Chapter 5.02 LFPMC and applicable to persons performing work in the cityCity of Lake  
2 Forest Park. The required statement shall be in substantially the following form:

3 1. I, \_\_\_\_\_, a duly licensed professional contractor in the State of Washington, or professional  
4 forester, hereby attest that I have read and am knowledgeable of Chapter 16.14, Tree Canopy  
5 Preservation and Enhancement, of the City of Lake Forest Park Municipal Code.

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

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

18 B. Private professionals involved in land clearing operations who do not provide the above statement shall be  
19 prohibited from performing tree removal and land clearing services in the cityCity of Lake Forest Park. Said  
20 professionals who do not provide this statement and perform land clearing services in the cityCity of Lake  
21 Forest Park shall be considered in violation of this chapter and may be prosecuted under this chapter, the  
22 city'sCity's civil penalties ordinance, or as otherwise provided by law. All professional arborists, foresters,  
23 loggers, or other land clearing contractors or heavy equipment operators involved in land clearing operations  
24 shall be jointly responsible with the landowner for any land clearing violation and restitution required at a site as  
25 a result of improper land clearing activity. (~~Ord. 1015 § 2, 2010~~)

1 **16.14.140 Liability.**

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

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

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

16 D. The amount of any security required as part of any land development permit with which tree removal is  
17 associated shall not serve as a gauge or limit to the compensation that may be owed by a property owner as a  
18 result of injury or damages to persons or property resulting from any tree removal authorized under this  
19 chapter. ~~(Ord. 1015 § 2, 2010)~~

20