

ORDINANCE NO. 1998

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, ESTABLISHING TREE PROTECTION REGULATIONS; REPEALING SECTION 20D.80.10-060 OF THE REDMOND COMMUNITY DEVELOPMENT GUIDE; ESTABLISHING A NEW DIVISION 20D.80.20 ENTITLED "TREE PROTECTION"; SETTING FORTH THE PURPOSE AND INTENT; REQUIRING PERMITS FOR REMOVAL OF TREES; PROVIDING FOR EXEMPTIONS; SETTING FORTH APPLICATION REQUIREMENTS; ESTABLISHING FEES; SETTING FORTH PERMIT REVIEW CRITERIA; ESTABLISHING TREE PROTECTION STANDARDS; REQUIRING TREE REPLACEMENT; PROVIDING FOR EXCEPTIONS; ESTABLISHING PROTECTION MEASURES; REQUIRING MAINTENANCE; REQUIRING PERFORMANCE ASSURANCE DEVICES; PROVIDING FOR ENFORCEMENT; AMENDING CHAPTER 20A.20 OF THE REDMOND COMMUNITY DEVELOPMENT GUIDE TO ADD CERTAIN DEFINITIONS; AND ESTABLISHING AN EFFECTIVE DATE.

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WHEREAS, the City Council finds that preserving trees provides valuable benefits to the citizens and businesses of Redmond, both economic and aesthetic; and

WHEREAS, the Planning Commission has held public hearings on amendments to the City's tree protection regulations and has forwarded its recommendations to the City Council; and

WHEREAS, the City Council held a public hearing beginning on September 15, 1998, and continued to October 6, 1998, on the Planning Commission's recommendation; and

WHEREAS, the City Council finds that the following ordinance is in the best interest of the public health, safety and general welfare; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO  
ORDAIN AS FOLLOWS:

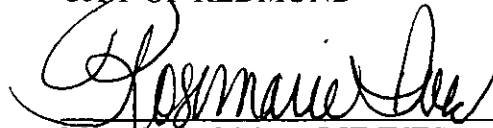
Section 1. Section Repealed. Section 20D.80.10-060 of the Redmond Community Development Guide is hereby repealed.

Section 2. New Division Added. A new division 20D.80.20 is hereby added to the Redmond Community Development Guide to be entitled, "Tree Protection," and to read as set forth on Attachment A, attached hereto and incorporated herein by this reference as if set forth in full.

Section 3. Definitions Added. Chapter 20A.20 of the Redmond Community Development Guide is hereby amended to add the following definitions to the proper alphabetical section. The definitions are set forth on Attachment B, attached hereto and incorporated herein by this reference as if set forth in full.

Section 4. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

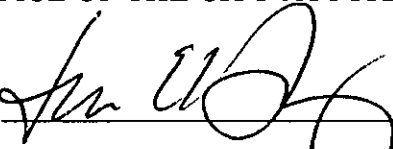
CITY OF REDMOND

  
MAYOR ROSEMARIE IVES

ATTEST/AUTHENTICATED:

  
CITY CLERK, BONNIE MATTSON

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

By:  \_\_\_\_\_

FILED WITH THE CITY CLERK:	October 12, 1998
PASSED BY THE CITY COUNCIL:	October 20, 1998
SIGNED BY THE MAYOR:	October 20, 1998
PUBLISHED:	October 25, 1998
EFFECTIVE DATE:	October 30, 1998
ORDINANCE NO. _____	1998

**ATTACHMENT A**

**PROPOSED**

**20D CITY-WIDE REGULATIONS**

**Division: 20D.80.20 TREE PROTECTION**

20D.80.20-010 PURPOSE AND INTENT .....1  
20D.80.20-020 PERMITS REQUIRED .....2  
20D.80.20-030 EXEMPTIONS .....2  
20D.80.20-040 APPLICATION REQUIREMENTS .....3  
20D.80.20-050 APPLICATION FEE .....3  
20D.80.20-060 PERMIT REVIEW CRITERIA .....3  
20D.80.20-070 TREE PROTECTION STANDARDS .....4  
20D.80.20-080 TREE REPLACEMENT .....7  
20D.80.20-090 EXCEPTIONS.....9  
20D.80.20-100 PROTECTION MEASURES .....10  
20D.80.20-110 MAINTENANCE .....11  
20D.80.20-120 PERFORMANCE ASSURANCE .....11  
20D.80.20-130 ENFORCEMENT .....12

**20D.80.20-010 PURPOSE AND INTENT**

- (1) Redmond contains certain areas that can be identified as forests or tree-covered areas. These forests and trees in general perform a variety of functions that provide aesthetic, ecological and economic benefits to those who reside, conduct business, and work in Redmond. Such beneficial functions include:
- (a) Providing varied and rich habitats for wildlife;
  - (b) Moderating the effects of winds and temperatures;
  - (c) Stabilizing and enriching the soil;
  - (d) Slowing runoff from precipitation and reducing soil erosion;
  - (e) Improving air quality;
  - (f) Improving water quality;
  - (g) Masking unwanted sound;
  - (h) Providing visual relief and screening buffers;
  - (i) Providing recreational benefits;
  - (j) Enhancing the economic value of developments; and
  - (k) Providing a valuable asset to the community as a whole.

- (2) Tree removal to accommodate urban development has resulted in the loss to the public of these beneficial functions of trees. Tree removal has also resulted in environmental degradation that may threaten the public health, safety and welfare.
- (3) The purpose and intent of this division is to:
  - (a) Avoid the removal of stands of trees and significant trees in order to maintain the quality of Redmond's urban environment.
  - (b) Encourage the protection of stands of trees and significant trees to the maximum extent possible in the design of new buildings, roadways and utilities.
  - (c) Mitigate the environmental and aesthetic consequences of tree removal in land development through on and off-site tree replacement to achieve a goal of no net loss of trees through-out the City of Redmond.
  - (d) Reward tree protection efforts by granting flexibility of certain other development requirements.
  - (e) Provide measures to protect trees that may be impacted during construction.
  - (f) Maintain and protect the public health, safety and general welfare.

#### **20D.80.20-020 PERMITS REQUIRED**

No person shall remove any stand of trees, significant trees or conduct grading activities on a site without first obtaining the appropriate permit approved by the Administrator; unless specifically exempted by section 20D.80.20-030, Exemptions.

- (1) **Tree Removal Permit.** A Tree Removal Permit is required for the removal of any significant tree(s) or stands of trees. Removal of more than ten (10) significant trees requires *Clearing and Grading Approval*, in accordance with chapter 20E.90. When tree removal is planned in conjunction with the construction of a new or expanded site or building, the Tree Removal Permit and required application materials shall accompany the development application to allow concurrent review.
- (2) Applicants of Forest Practice Permits (Class IV - general permit) issued by the Washington State Department of Natural Resources (DNR) for the conversion of forested sites to developed sites are also required to obtain a Tree Removal Permit. For all other Forest Practice Permits (Class II, III, IV- special permit) issued by DNR for the purpose of commercial timber operations, no development permits will be issued for six (6) years following tree removal.

#### **20D.80.20-030 EXEMPTIONS**

The activities listed below shall be exempt from obtaining a permit under this division. Nothing in this section shall be interpreted to allow the removal of trees or other vegetation within sensitive areas or sensitive area buffers, where prohibited under chapter 20D.140, Sensitive Areas or in Native Growth Protection Areas.

- (1) Emergency activities necessary to remedy an immediate threat to public health, safety or welfare.
- (2) Routine maintenance of trees necessary to maintain the health of cultivated plants, to contain noxious weeds, or to remedy a potential fire or health hazard or threat to public safety.
- (3) Removal of trees in easements and rights-of-way for the purposes of constructing public streets and utilities. Protection of trees shall be a major factor in the location, design, construction and maintenance of streets and utilities. These improvements are subject to the purpose and intent of this division. Removal of significant trees shall be mitigated with on or off-site tree replacement as set forth in the requirements of section 20C.80.20-080, Tree Replacement.

**20D.80.20-040            APPLICATION REQUIREMENTS**

The Administrator shall specify application submittal requirements, including the type of plans, level of detail and numbers of copies to be submitted.

**20D.80.20-050            APPLICATION FEE**

Application fees are established as follows:

Single Family Tree Removal Permit:	No Fee
All Other Tree Removal Permits:	\$50 per acre, \$1,000 maximum
Tree Base Fee:	\$250

**20D.80.20-060            PERMIT REVIEW CRITERIA**

- (1) **Review Criteria.** The Administrator shall review the application and approve the permit, or approve the permit with conditions, provided that the application demonstrates compliance with the criteria below.
  - (a) The proposal complies with section 20D.80.20-070, Tree Protection Standards and section 20D.80.20-080, Tree Replacement or has been granted an exception pursuant to section 20D.80.20-090, Exceptions.
  - (b) All bonds or other assurance devices required per section 20D.80.20-120 Performance Assurance are posted with the City.
- (2) **Professional Evaluation.** In determining whether a Tree Removal Permit is to be approved or conditioned, the Administrator may require the submittal of a professional evaluation and/or a tree protection plan prepared by a certified arborist, where the Administrator deems such services necessary to demonstrate compliance with the standards and guidelines of this division. Such professional evaluation(s) and services may include:

- (a) Providing a written evaluation of the anticipated effects of proposed construction on the viability of trees on a site;
  - (b) Providing a hazardous tree assessment;
  - (c) Developing plans for, supervising, and/or monitoring implementation of any required tree protection or replacement measures; and/or
  - (d) Conducting a post-construction site inspection and evaluation.
- (3) **Conditions of Approval.** The Administrator may specify conditions for work, at any stage of the application or project as he/she deems necessary to ensure the proposal's compliance with requirements of this division, the sensitive areas regulations, clearing, grading and stormwater management regulations or to protect public or private property. These conditions may include, but are not limited to hours or seasons within which work may be conducted, or specific work methods.

**20D.80.20-070 TREE PROTECTION STANDARDS**

(1) **Tree Protection, In General**

- (a) In all new developments, including additions to existing buildings and parking areas, a minimum of 35% of all significant trees shall be retained. Exceptions to this standard shall be requested and reviewed in accordance with Section 20D.80.20.090, Exceptions.
- (b) Incentives for Higher Levels of Tree Protection. The Administrator may grant reductions or adjustments to other site development standards if protection of 35% of the existing, healthy significant trees is exceeded.

On a case by case review, the Administrator shall determine the balance between tree protection that exceeds the established minimum percentage and variations to site development requirements. Adjustments that may be considered are:

- (i) Reductions or variations of the area or width of required open space and/or landscaping;
- (ii) Variations in parking lot design and/or and access requirements;
- (iii) Variations in building setback requirements;
- (iv) Increases in building height;
- (v) Reduction in the width of certain easements;
- (vi) Variations of grading and stormwater requirements;
- (vii) Other variations which are proposed and determined to be appropriate and acceptable by the Administrator excluding increases or decreases in the amount of required parking.

(2) **Site Design Guidelines.** Site improvements shall be designed and constructed to meet the following guidelines:

- (a) The site design incorporates trees as a site amenity, and reflects a strong emphasis on tree protection.

- (b) To the extent possible, forested sites retain their forested look value, and function after development. Trees should be protected within vegetated islands and stands rather than as individual, isolated trees scattered throughout the site.
  - (c) Site improvements should be designed to give priority to protection of trees with the following characteristics, functions, or location:
    - (i) Existing stands of healthy trees;
    - (ii) Healthy trees that have a reasonable chance of survival once the site is developed or will not pose a threat to life or property;
    - (iii) Trees that have a screening function or provide relief from glare, blight, commercial or industrial harshness;
    - (iv) Trees providing habitat value, such as riparian habitat;
    - (v) Trees within the required yard setbacks or around the site perimeter;
    - (vi) Trees having a significant land stability function;
    - (vii) Trees adjacent to public parks and open space.
  - (d) Building footprints, parking areas, roadways, utility corridors and other structures are designed and located with a consideration of tree protection opportunities.
  - (e) The project grading plans accommodate existing trees and avoid alteration to grades around existing significant trees.
  - (f) Required open space and recreational space is designed and located to protect existing stands of trees.
  - (g) The site design and landscape plans provide suitable locations and adequate area for replacement trees as required in section 20D.80.20-080 Tree Replacement.
  - (h) In considering trees for protection, avoid selecting trees that may become hazardous because of wind gusts, including trees adjacent to utility corridors where falling trees may cause power outages or other damage. Remaining trees may be susceptible to blow downs because of loss of a buffer from other trees, grade changes affecting the tree health and stability and/or the presence of buildings in close proximity.
- (3) **Minimum Protection Standards.** Unless otherwise specified, the following standards shall be applied to existing and proposed developments:
- (a) Developed Single Family Lots: Developed single family lots must obtain a permit to remove trees as follows:
 

Lots up to 10,000 sq. ft:	2 significant trees per year
Lots 10,001 sq. ft. to 20,000 sq. ft:	4 significant trees per year
Lots 20,001 sq. ft to 30,000 sq. ft.:	6 significant trees per year
Lots 30,000 sq. ft. and greater:	8 significant trees per year

Trees previously designated for protection or within a Native Growth Protection Area may not be removed unless they are determined to be hazardous. Hazardous, dead or otherwise dangerous trees are not included in this limit. The Administrator may allow removal of more trees per year if the remaining trees would pose a hazard.
  - (b) Other Developed Lots: All other developed commercial or multifamily lots may remove no more than five (5) significant trees per acre per year for the purposes of



thinning a heavily wooded area where remaining trees may benefit by thinning and the site's forested look, value, or function is maintained, or for maintaining the site's landscaped areas. Trees previously designated for protection or within Native Growth Protection areas may not be removed unless they are determined to be hazardous. Hazardous, dead or otherwise dangerous trees are not included in this limit.

Replacement trees shall be planted pursuant to 20D.80.20-080, Tree Replacement.

- (c) Landmark Trees: Landmark trees shall not be removed unless an exception has been applied for and granted.
- (d) Hazardous Trees: Hazardous trees or dead trees posing a hazard, outside of NGPAs, sensitive areas and buffers, should be removed.
- (e) Native Growth Protection Areas (NGPA). Trees within an established Native Growth Protection Area shall not be removed, except when removal has its specified purpose:
  - (i) to remedy a hazardous tree;
  - (ii) to establish a non-motorized trail as part of a private environmental interpretation program or City of Redmond trail system;
  - (iii) to relocate or consolidate existing trails for the purpose of controlling human impacts to vegetation;
  - (iv) to stabilize slopes;
  - (v) to add or restore native plants;
  - (vi) to control and replace non-native vegetation;
  - (vii) to restore degraded watercourses or wetlands; or
  - (viii) to implement a City of Redmond long-term restoration or management plan.
- (f) Sensitive Areas and Sensitive Area Buffers: Trees located within a sensitive area or sensitive area buffer shall not be removed, except as provided for in Chapter 20D.140, Sensitive Areas.
- (g) Grading and Proximity to Structures, Utilities, and Roadways:
  - (i) To ensure that structures, utilities, and roadways are located an adequate distance from the dripline of a protected tree to allow adequate room for construction activities, the construction limit line for a structure, utility, or roadway shall be located no closer than five (5) feet outside of the dripline of a protected tree.
  - (ii) No proposed structure, utility, or roadway shall be located within five (5) feet of the dripline of a protected tree, except where such structure is a raised deck, bay window, or cantilevered or otherwise raised above the ground's surface so as not to disrupt the tree's roots:
  - (iii) Sidewalks and utilities may be located within the dripline of a protected tree, provided that construction methods and materials used will result in minimal disruption of the tree's roots, and that additional measures for tree protection are proposed and approved which will ensure the long-term viability of the tree.
  - (iv) The Administrator may allow construction limits or an alteration of grades within five (5) feet of the dripline of a protected tree, provided that the applicant submits an evaluation by a certified arborist which demonstrates that the proposed construction will not reduce the long-term viability of the tree.

- (v) The Administrator may require an evaluation by a certified arborist to determine if protective measures should be required beyond five (5) feet of the dripline of a protected tree.

(4) **Designation of Protected Trees.**

- (a) The Tree Protection and Replacement Plan and any application and permit plans that cover such areas shall show all trees designated for protection. These areas may be shown by labeling them as “protected trees,” “native growth protection areas,” “sensitive areas,” “sensitive area buffers,” or such other designation as may be approved by the Administrator. Protected vegetation, including protected trees, shall not be modified, harmed or removed except as provided in this division.
- (b) The Administrator may require that protected trees be permanently preserved within a tract, easement or other permanent protective mechanism. When required, the location, purpose, and limitation of these protected areas shall be shown on the face of the deed, plat, binding site plan, or similar document and shall be recorded with the King County Department of Records and Elections or its successor. The recorded document shall include the requirement that the protected areas shall not be removed, amended or modified without the written approval of the City of Redmond.

**20D.80.20-080 TREE REPLACEMENT**

Prior to any tree removal, the applicant shall demonstrate through a Tree Protection and Replacement Plan, Sensitive Area Mitigation Plan or other plans acceptable to the Administrator that tree replacement will meet the minimum standards of this section.

- (1) **Replacement Required.** A significant tree to be removed shall be replaced by one new tree in accordance with subsection (5). No tree replacement is required in the following cases:
  - (a) The tree is hazardous, dead, diseased, injured or in a declining condition with no reasonable assurance of regaining vigor.
  - (b) The tree is proposed to be relocated to another suitable planting site, provided that relocation complies with the standards in this section.
- (2) **On-Site Replacement.** Replacement trees shall be planted on the site from which significant trees are removed unless the Administrator accepts one or more of the alternatives set forth in subsection (3).
- (3) **Alternatives to On-Site Replacement:** When on-site replacement cannot be achieved, the Administrator may consider the following alternatives:
  - (a) Off-Site Tree Replacement.
    - (i) The number of replacement trees shall be the same as described in section 20D.80.20-080(1), Replacement Required. Replacement costs (material plus labor) shall be at the applicant's expense.

- (ii) Allowable sites for receiving off-site replacement plantings
    - (A) City owned properties identified on either Map P-2 or P-3, Parks, Recreation and Open Space Plan Map and Trail Plan, Redmond Comprehensive Plan, 1995, or as subsequently amended;
    - (B) Other City or County-owned open space areas, native growth protection areas (NGPA), or river and stream corridors within Redmond City Limits, or lands controlled by the City;
    - (C) Private open space which is permanently protected and maintained, such as a native growth protection area (NGPA).
  - (iii) All trees to be replaced off-site shall meet the replacement standards of this section.
- (b) Tree Replacement Fee. A fee in lieu of tree replacement may be allowed, subject to approval by the Administrator after careful consideration of all other options. A tree replacement fee shall be required for each replacement tree required but not planted on the application site.
- (i) The amount of the fee shall be the Tree Base Fee times the number of trees necessary to satisfy the tree replacement requirements of section 20D.80.20-080. The Tree Base Fee shall cover the cost of a tree, installation (labor and equipment), maintenance for two years, and fund administration.
  - (ii) The fee shall be paid to the City prior to the issuance of a Tree Removal Permit.
  - (iii) A separate account shall be established by the City for fees collected. Tree Replacement fee receipts shall be earmarked specifically for this account. Funds withdrawn from this account shall be expended only for the planting of new trees in City owned parks, open spaces or rights-of way.
- (c) Landscape Restoration. Where appropriate, the Administrator may consider other measures designed to mitigate the loss of trees by restoring all or parts of the forest landscape and its associated benefits. Measures may include, but are not limited to:
- (i) Creation of wildlife snags from trees which would otherwise be removed;
  - (ii) Replacement of certain ornamental trees with native shrubs and groundcover;
  - (iii) Replacement of hazardous or short-lived trees with healthy new trees more likely to survive;
  - (iv) "Daylighting" and restoration of stream corridors with native vegetation;
  - (v) Protection of non-significant trees to provide for the successional stages of forest development.

**(4) Tree Replacement Guidelines and Requirements.**

- (a) When individual trees or tree stands are protected, replacement trees should be planted to reestablish or enhance tree clusters where they previously existed.
- (b) Where possible, replacement trees should be planted within sensitive areas or buffers, provided that the proposed planting conforms to the requirements for mitigation of sensitive areas in Chapter 20D.140, Sensitive Areas. Replacement trees may be planted within an existing NGPA, where the Administrator determines that such planting enhances and complements existing vegetation and environmental functions.

- (c) Replacement trees shall be planted in locations appropriate to the species' growth habit and horticultural requirements;
  - (d) Replacement trees shall be located away from areas where damage is likely, based on the standards in section 20D.80.20-070(e), Grading and Proximity to Structures and Utilities;
  - (e) Replacement trees shall be located to provide screening of the development from adjacent properties, where appropriate;
  - (f) Replacement trees shall be planted in areas that connect or are adjacent to Native Growth Protection Areas or other open space, where appropriate; and
  - (g) Replacement trees shall be integrated into the required landscape plans, if any, for a development;
  - (h) Replacement trees to be planted next to or under power lines shall be selected with consideration of the trees maturation and maintenance requirements.
- (5) **Size, Species and Condition of Replacement Trees.**
- (a) Minimum sizes for replacement plants shall be:
    - (i) 2-1/2-inch caliper for deciduous trees,
    - (ii) 6 to 8 feet in height for evergreen trees.
  - (b) The Administrator may consider smaller-sized replacement plants if the applicant can demonstrate that smaller plants are more suited to the species, site conditions, and to the purposes of this section, and are planted in sufficient quantities to meet the intent of this section.
  - (c) The Administrator may require that a portion of the replacement trees be native species in order to restore or enhance the site to pre-development character.
  - (d) The condition of replacement trees shall meet or exceed current American Nursery and Landscape Association or equivalent organization's standards for nursery stock.
- (6) **Installation.**
- (a) Installation of required replacement plants shall be in accordance with best management practices for landscaping which ensure the tree's long-term health and survival.
  - (b) All required tree replacement and other required mitigation shall be completed prior to issuance of the Certificate of Occupancy, unless the Administrator determines that seasonal or weather conditions at the time of installation would jeopardize plant survival and the applicant has submitted an alternate planting schedule for approval.

**20D.80.20-090            EXCEPTIONS**

Where exceptional conditions that prevent full compliance with section 20D.80.20-070, Tree Protection Standards and/or section 20D.80.20-080, Tree Replacement, the applicant may request an exception. A request for any exception shall be submitted in writing by the property owner for consideration by the Administrator, and shall accompany the application for a permit reviewed under this division. The written request shall fully state all substantiating facts and evidence pertinent to

the exception request, and include supporting maps or plans. The Administrator may also require the recommendation of a certified arborist in reviewing an exception request.

- (1) **Exception Criteria.** An exception shall not be granted unless criteria (a) and (b) are satisfied:
  - (a) The exception is necessary because:
    - (i) There are special circumstances related to the size, shape, topography, location or surroundings of the subject property; or
    - (ii) Strict compliance with the provisions of this code may jeopardize reasonable use of property.
    - (iii) Proposed vegetation removal, replacement, and any mitigative measures proposed, are consistent with the purpose and intent of the regulations.
    - (iv) The granting of the exception or standard reduction will not be detrimental to the public welfare or injurious to other property in the vicinity.
  - (b) If an exception is granted below the required minimum retention standard of 35%, tree replacement shall be at a minimum of three (3) trees for each significant tree removed.
  - (c) Proposed tree removal, replacement, and any mitigation proposed, are consistent with the purpose and intent of this division.

#### **20D.80.20-100 PROTECTION MEASURES**

- (1) **Tree Protection Measures.** To ensure long-term viability of trees and stands identified for protection, permit plans and construction activities shall comply with the following minimum required tree protection:
  - (a) All minimum required tree protection measures shall be shown on the Tree Protection and Replacement Plan.
  - (b) All construction activities, including staging and traffic areas, shall be prohibited within five (5) feet of the dripline of protected trees.
  - (c) Tree protection barriers shall be installed along the outer edge and completely surround the dripline of significant trees to be protected prior to any land disturbance.
  - (d) Tree protection barriers shall be a minimum of four (4) feet high, constructed of chain link, or polyethylene laminar safety fencing or similar material, subject to approval by the Administrator. "Tree Protection Area" signs shall be posted visibly on all sides of the fenced areas. On large or multiple-project sites, the Administrator may also require that signs requesting subcontractor cooperation and compliance with tree protection standards be posted at site entrances.
  - (e) Where tree protection areas are remote from areas of land disturbance, and where approved by the Administrator, alternative forms of tree protection may be used in lieu of tree protection barriers, provided that protected trees are completely

surrounded with continuous rope or flagging and are accompanied by "Tree Save Area - Keep Out" signs.

- (2) **Preventative Measures.** In addition to the above minimum tree protection measures, the applicant shall support tree protection efforts by employing, as appropriate, the following preventative measures, consistent with best management practices for maintaining the health of the tree:
  - (a) Pruning of visible deadwood on trees to be protected or relocated;
  - (b) Application of fertilizer to enhance the vigor of stressed trees;
  - (c) Use of soil amendments and soil aeration in tree protection and planting areas;
  - (d) Mulching over tree drip line areas; and
  - (e) Ensuring proper water availability during and immediately after construction.
- (3) **Alternative Methods.** The Administrator may approve the use of alternative tree protection techniques if a protected tree will be protected to an equal or greater degree than through the techniques listed above.

#### **20D.80.20-110 MAINTENANCE**

- (1) All required replacement trees, and relocated trees shown on an approved permit shall be maintained in healthy condition by the property owner throughout the life of the project, unless otherwise approved by the Administrator in a subsequent permit.
- (2) **Cutting and Pruning.**
  - (a) Protected trees shall not be topped.
  - (b) Street trees, on all streets specified in the City of Redmond Street Tree Plan, shall be cut or pruned only under the supervision of the City of Redmond Parks Department.
  - (c) Pruning and maintenance of protected trees shall be consistent with best management practices in the field of arboriculture and further the long-term health of the tree.
  - (d) Excessive pruning shall not be allowed unless necessary to protect life and property.

#### **20D.80.20-120 PERFORMANCE ASSURANCE**

To mitigate damages should they occur as a result of unauthorized tree removal, the applicant shall submit a bond, letter of credit or other means of assurance acceptable to the Administrator. The following provisions shall apply to such performance assurance:

- (1) **Tree Protection Assurance.** The applicant shall post a performance bond or other acceptable security device to ensure the installation, maintenance and adequate performance of tree protection measures. The amount of this bond shall equal 150% of the City's estimated cost of replacing each protected tree. The estimated cost per tree shall be the Tree Base Fee established by City Council. Prior to issuance of the Certificate of Occupancy, any protected tree found to be irreparably damaged, severely stressed or dying, shall be replaced

according to the standards identified under section 20D.80.20-130(1), Remediation. The bonding period shall be five years. The Administrator may release all or part of the bond prior to the conclusion of the bonding period if the applicant demonstrates that the requirements of this section have been satisfied and there is evidence that the protected trees will survive.

- (2) **Tree Maintenance Assurance.** Where replacement trees are required pursuant to this section, the applicant shall post a replacement tree maintenance bond or other acceptable security device to ensure the survival of replacement trees. The amount of the maintenance bond shall equal 150% the cost of plant material, periodic fertilizing and pruning, and labor until tree survival is ensured. Where possible, the bond may be combined with the landscape maintenance bond, required by Chapter 20D.80.10, Landscaping and Natural Screening, which shall include a security covering 10% of the cost of the remaining plant materials. In the event a required replacement tree becomes irreparably damaged, severely stressed or dies, the tree shall be replaced according to the standards in section 20D.80.20-080, Tree Replacement. Replacement trees damaged due to natural disasters such as wind storms, hail, ice or snow storms, earthquakes and the like shall be exempt from replacement. The bonding period shall be three years. The Administrator may release all or part of the bond prior to the conclusion of the bonding period if the applicant demonstrates that the requirements of this section have been satisfied and there is evidence that the replacement trees will survive.
- (3) The required assurances shall be submitted prior to issuance of a Tree Removal Permit.
- (4) The applicant shall provide an estimate of the costs associated with the required performance bond or other security as described above. In lieu of an applicant's estimate, the performance assurance shall be equal to City Staff's best estimate of possible costs to meet the above requirements. *In no case shall the performance assurance exceed an amount equal to 2.5 times the current cost of replacing the plants in accordance with section 20D.80.20-080, Tree Replacement.*
- (5) The performance assurances shall not be fully released without final inspection and approval of completed work by the City, submittal of any post-construction evaluations or following any prescribed trial maintenance period required in the Permit.
- (6) Performance assurances provided in accordance with this section may be redeemed in whole or in part by the City of Redmond upon determination by the Administrator that the applicant has failed to fully comply with approved plans and/or conditions.

## **20D.80.20-130            ENFORCEMENT**

This section shall apply in addition to the provisions of RMC Chapter 1.14, Enforcement and Penalties.

- (1) **Remediation**

Any person who removes a tree in violation of the conditions of a tree removal permit or in violation of this division shall be subject to remedial measures. The following provisions shall apply in instances where such remedial measures are required:

- (a) The applicant shall satisfy the permit provisions as specified in section 20D.80.20-020, Permits Required.
- (b) Remedial measures must conform to the purposes and intent of this division. In addition, remedial measures must meet the standards specified in section 20D.80.20-080, Tree Replacement, except that the number of replacement trees for significant trees damaged, destroyed or removed shall be as follows:

<u>Size of removed tree</u>	<u>Number of replacement trees required</u>
6"	2
Greater than 6" - 9"	3
Greater than 9" - 12"	4
Greater than 12" - 16"	5
"greater than 16"	6

Replacement trees shall be replanted with trees as follows:

Deciduous     3 inches in diameter (dbh)  
 Evergreen     12 feet in height

- (c) Remedial measures must be completed within the time frame specified by the Administrator.
- (d) The cost of any remedial measures necessary to correct violation(s) of this division shall be borne by the property owner and/or applicant. Upon the applicant's failure to implement required remedial measures, the Director may redeem all or any portion of any security submitted by the applicant to implement such remedial measures, pursuant to the provisions of section 20D.80.20-120, Performance Assurance.

**(2) Penalties**

The Administrator may impose a penalty of up to \$3,000 per tree for removal of or damage to significant trees in violation of this division.



## ATTACHMENT B

### TREE PROTECTION REGULATIONS DEFINITIONS

(To be added to chapter 20A.20 of the revised Redmond Community Development Guide)

**Best Management Practices (BMPs):** Conservation practices and management measures which serve to protect trees, including the following practices:

1. Avoiding physical damage to tree trunk, branches, foliage and roots;
2. Restricting the movement, operation, and location of construction materials and equipment to avoid the area under a tree canopy;
3. Minimizing adverse changes in drainage conditions around tree roots.
4. Minimizing adverse changes to the chemical, physical, structural, and organic characteristics of soil around tree roots.
5. Those conservation practices defined by the State of Washington Department of Agriculture, Washington State Department of Ecology, and International Society of Arborists as intended to protect trees.

**Caliper:** American Nursery and Landscape Association standard for measurement of trunk size of nursery stock. Caliper of the trunk shall be taken 6 inches above the ground.

**Certified Arborist:** A person or firm with specialized knowledge of the horticultural requirements of trees, certified by the International Society of Arboriculture or the National Arborist Association.

**Diameter/Diameter-breast-height (d.b.h.):** The diameter of any tree trunk, measured at 4-1/2 feet above average grade. For species of trees whose normal growth habit is characterized by multiple stems (e.g. hazelnut, vine maple) diameter shall mean the average diameter of all stems of the tree, measured at a point six inches from the point where the stems digress from the main trunk. In no case shall a branch more than six inches above average grade be considered a stem. For the purposes of code enforcement, if a tree has been removed and only the stump remains, the size of the tree shall be diameter of the top of the stump.

**Dripline:** An area encircling the base of a tree, the minimum extent of which is delineated by a vertical line extending from the outer limit of a tree's branch tips down to the ground.

**Excessive pruning:** Pruning more than 4 years of branch growth, unless necessary to restore the vigor of the tree or to protect life and property.

**Hazardous tree:** A tree that is dead, or is so affected by a significant structural defect or disease that falling or failure appears imminent, or a tree that impedes safe vision or traffic flow, or that otherwise currently poses a threat to life or property.

**Landmark Tree:** Any healthy tree over 30" in diameter or any tree that is particularly impressive or unusual due to its size, shape, age, historical significance or any other trait that epitomizes the character of the species.

**Landscape architect:** A person licensed by the State of Washington to engage in the practice of landscape architecture as defined by RCW 18.96.030.

**Native Growth Protection Area (NGPA):** A tract or easement recorded with a City-approved subdivision established for the purposes of protecting vegetation, providing open space, maintaining wildlife corridors, maintaining slope stability, controlling runoff and erosion, and/or any other purpose designated in the subdivision approval.

**Native vegetation, native plant(s):** A tree, shrub or groundcover plant of a species that is native to western Washington.

**Protected tree/protected vegetation:** A tree or area of understory vegetation identified on an approved Tree Protection and Replacement Plan to be retained and protected during construction and/or permanently protected by easement, tract, or covenant restriction. A protected tree may be located outside or within a NGPA, sensitive area or sensitive area buffer.

**Protection measure:** A practice or combination of practices (e.g. construction barriers, protective fencing, tree wells, etc.) used to control construction or development impacts to vegetation that is approved for protection in a Tree Removal Permit.

**Protective fencing:** A temporary fence or other structural barrier installed to prevent permitted clearing or construction activity from adversely affecting vegetation which is approved for retention in a Tree Removal Permit.

**Removal:** Removal of a tree(s) or vegetation, through either direct or indirect actions including, but not limited to, clearing, cutting, causing irreversible damage to roots or trunks; poisoning; destroying the structural integrity; and/or any filling, excavation, grading, or trenching in the dripline area of a tree which has the potential to cause irreversible damage to the tree, or relocation of an existing tree to a new planting location.

**Significant tree:** Any healthy tree 6 inches or greater in diameter at breast height; or any tree 4 inches in diameter (dbh), that after considering its age, height, value, or function, the tree or tree stand is determined to be significant.

**Surveyor:** A person licensed by the State of Washington to engage in the practice of land surveying, as defined by RCW 18.43.020.

**Tree:** A self supporting woody plant characterized by one main trunk or, for certain species, multiple trunks, with a potential at maturity for a trunk diameter of two (2) inches and potential minimum height of ten (10) feet.

**Tree, Stand:** A group of three or more trees of any size or species, whose driplines touch.

**Understory vegetation:** Small trees, shrubs, and groundcover plants, growing beneath and shaded by a significant tree which affect and are affected by the soil and hydrology of the area surrounding the significant tree roots.

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