

**CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. 02005-175**

**AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON,
AMENDING CHAPTERS 16.15, 21A.35.15 AND 21A.35.35 OF THE
SAMMAMISH MUNICIPAL CODE PERTAINING TO TREE
RETENTION AND LANDSCAPING FOR SUBDIVISIONS,
UNDEVELOPED PROPERTY, AND COMMERCIAL DEVELOPMENT,
INCLUDING TREE RETENTION STANDARDS, TREE RETENTION
INCENTIVES, TREE PROTECTION STANDARDS, AND
ENFORCEMENT PROVISIONS, REVISED LANDSCAPING
REQUIREMENTS FOR DRAINAGE FACILITIES, AND LANDSCAPING
STANDARDS**

WHEREAS, pursuant to the provisions of state law, Chapter 35A.63 of the Revised Code of Washington (RCW) and Chapter 36.70A RCW, the Sammamish City Council has adopted the Sammamish Municipal Code (SMC), including Title 21A, Development Code, which regulates land use; and

WHEREAS, the City Council adopted the City of Sammamish Comprehensive Plan which contains goals, objectives and policies regarding land use compatibility and environmental considerations; and

WHEREAS, it is the intent of the Sammamish City Council to ensure the development of fair and reasonable regulations; and

WHEREAS, the Planning Commission, pursuant to SMC 2.60.040(2) "shall review and make recommendations to the City council relating to the City's land use ordinances and regulations"; and

WHEREAS, the Planning Commission considered proposed amendments to Chapter 15 of Title 16 and Chapters 15 and 35 of Title 21A of the Sammamish Municipal Code, concerning tree retention and landscape requirements, during their regular meetings on October 7 and November 4, 2004; and

WHEREAS, an Environmental Checklist for the proposed amendments, a non-project action, was prepared pursuant to Washington Administrative Code Chapter 197-11 and City of Sammamish Municipal Code Chapter 20.15, and a Determination of Non-Significance (DNS) was issued on November 5, 2004; and

WHEREAS, the Planning Commission held a public hearing on November 18 continued to December 9, 2004, to consider the proposed amendments to the Sammamish Municipal Code; and

WHEREAS, the City of Sammamish Comprehensive Plan contains the following goal and policies:

Land Use Element:

LUP-9.2: Site characteristics that enhance community character, including clusters of existing trees, ... should be preserved through sensitive site planning....

Goal LUG-10: Preserve trees and other natural resources as integral components of the community's overall design.

LUP-10.1: Clustering of existing trees and native vegetation should be incorporated into site and building designs when appropriate. This policy should be implemented during design review and other land use reviews.

Environment & Conservation Element:

Goal EC-6: Protect natural and environmentally sensitive areas, open spaces, trees, vegetation, natural terrain, and drainage.

ECP-6.7: Clearing and grading shall be limited on all short plats, subdivisions, commercial projects, and all non-residential projects to protect water quality, maintain hydrologic functions or wetlands, attenuate surface water runoff, limit erosion, and maintain fish and wildlife habitat and visual buffers. Seasonal limits shall restrict clearing and grading to the driest months. Tree retention shall be required for soil stability, significant trees, and buffering of development.

ECP-6.12: The City shall prepare regulations to preserve and protect trees in easements, rights-of-ways, parks, and potentially, under certain circumstances, private property. These regulations shall include, but shall not be limited to, guidelines for utility providers, private firms, City contractors, as well as private individuals and neighborhood associations regarding appropriate practices for the pruning, maintenance, and / or removal of trees.

and;

WHEREAS, the City Council finds the proposed amendments to the Sammamish Municipal Code to be consistent with, and to implement the intent of, the Comprehensive Plan; and

WHEREAS, the Planning Commission, after due consideration, recommended amendments to Chapter 15 of Title 16 and Chapters 15 and 35 of Title 21A of the Sammamish Municipal Code to the City Council; and

WHEREAS, after providing thirty (30) days public notice, the City Council held a public hearing on January 18, 2005, to consider amending the Sammamish Municipal Code in accordance with the proposed amendments; and

WHEREAS, the City Council postponed second reading of the proposed amendments to allow for a public informational meeting that was held of February 9, 2005, and from that meeting, additional comments and suggested code revisions were forthcoming; and

WHEREAS, staff has brought forth a revised code amendment draft to be considered on second reading; and

WHEREAS, the City Council has considered the proposed amendments, the Planning Commission recommendation, and public comment received, and finds the amendments to be in the public interest:

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, DO ORDAIN AS FOLLOWS:

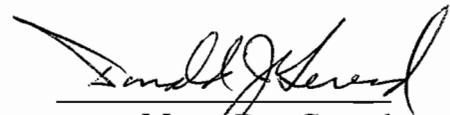
Section 1. Amendment. Chapter 15 of Title 16 and Chapters 15 and 35 of Title 21A of the Sammamish Municipal Code are amended to read as set forth in Exhibit A to this Ordinance.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 1st DAY OF MARCH 2005.

CITY OF SAMMAMISH



Mayor Don Gerend

ATTEST/AUTHENTICATED:



Melonie Anderson, City Clerk

Approved as to form:



Bruce L. Disend, City Attorney

Filed with the City Clerk:	January 13, 2005
Public Hearing:	January 18, 2005
First Reading:	January 18, 2005
Passed by the City Council:	March 1, 2005
Date of Publication:	March 5, 2005
Effective Date:	March 10, 2005

EXHIBIT A

Proposed Sammamish Municipal Code Amendments:

Landscaping and Tree Retention

Amendment List:

- SMC 16.15.050 – Clarify exemptions from Clearing and Grading Permit requirements
- SMC 16.15.120 – Additional reference to tree protection in clearing standards
- SMC 21A.15.267 – Definition of “DBH”
- SMC 21A.15.1332 – Definition of Heritage Tree
- SMC 21A.15.1333 – Definition of Significant Tree
- SMC 21A.35.030 – Landscaping types (*This Draft - included for reference only*)
- SMC 21A.35.040 – Required street landscaping (*This Draft - included for reference only*)
- SMC 21A.35.055 – Modify drainage facility landscaping requirements
- SMC 21A.35.090 – Modifying alternatives to include tree retention
- SMC 21A.35.100 – Tree Retention Plan requirements
- SMC 21A.35.210 – Tree Retention requirements
- SMC 21A.35.220 – Tree Retention incentives
- SMC 21A.35.230 – Tree Protection standards
- SMC 21A.35.240 – Tree Replacement and Enforcement

16.15.050 Clearing and grading permit required – Exceptions.

No person shall do any clearing or grading without first having obtained a clearing and grading permit from the director except for the following:

- (1) An on-site excavation or fill for basements and footings of a building, retaining wall, parking lot, or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation nor exempt any excavation having an unsupported height greater than five feet after the completion of such structure;
- (2) Maintenance of existing driveways or private access roads within their existing road prisms; provided, that the performance and restoration requirements of this chapter are met and best management practices are utilized to protect water quality;
- (3) Any grading within a publicly owned road right-of-way;
- (4) Clearing or grading by a public agency for the following routine maintenance activities:
 - (a) Roadside ditch cleaning provided the ditch does not contain salmonids;
 - (b) Pavement maintenance;
 - (c) Normal grading of gravel shoulders;
 - (d) Maintenance of culverts;
 - (e) Maintenance of flood control or other approved surface water management facilities;
 - (f) Routine clearing within road right-of-way;
- (5) Cemetery graves; provided, that this exception does not apply except for routine maintenance if the clearing or grading is within a sensitive area as regulated in Chapter 21A.50 SMC;
- (6) Minor stream restoration projects for fish habitat enhancement by a public agency, utility, or tribe as set out in Chapter 21A.50 SMC;
- (7) Any clearing or grading that has been approved by the director as part of a commercial site development permit and for which a financial guarantee has been posted;
- (8) The following activities are exempt from the clearing requirements of this chapter and no permit shall be required:
 - (a) Normal and routine maintenance of existing lawns and landscaping subject to the limitations on the use of pesticides in sensitive areas as set out in Chapter 21A.50 SMC;
 - (b) Emergency tree removal to prevent imminent danger or hazard to persons or property;
 - (c) Normal and routine horticultural activities associated with commercial orchards, nurseries, or Christmas tree farms subject to the limitations on the use of pesticides in sensitive areas as set out in Chapter 21A.50 SMC. This does not include clearing or grading in order to develop or expand such activities;
 - (d) Normal and routine maintenance of existing public parks and private and public golf courses. This does not include clearing or grading in order to develop or expand such activities in sensitive areas. For the purpose of this subsection, a “park” is defined as any real property managed for public use that has been previously maintained as a park or has been developed as a park pursuant to a properly issued permit;
 - (e) Removal of noxious weeds from steep slope hazard areas and the buffers of streams and wetlands subject to the limitations on the use of pesticides in sensitive areas as set out in Chapter 21A.50 SMC;
 - (f) Pruning and limbing of vegetation for maintenance of above-ground electrical and telecommunication facilities; provided, that the clearing is consistent with the electric, natural gas, cable communication and telephone utility exemption in sensitive areas as regulated in Chapter 21A.50 SMC.

- (9) The cutting and removal of any coniferous tree of less than eight inches DBH or any deciduous tree of less than 12 inches DBH when not located within a sensitive area or buffer.
- (10) The pruning, limbing, and general maintenance of trees outside of environmentally sensitive areas and buffers, consistent with the requirements of SMC 21A.35.

16.15.120 Clearing standards.

- (1) For clearing and grading permits issued under this chapter, the current clearing standards contained in this section and in the following regulations shall apply:
- (a) The sensitive areas code, Chapter 21A.50 SMC, and its adopted administrative rules;
 - (b) Property-specific development standards pursuant to Chapter 21A.85 SMC;
 - (c) Critical drainage area designations identified by adopted administrative rule;
 - (d) Wildlife habitat corridors pursuant to Chapter 21A.30 SMC;
 - (e) Shoreline Management Plan, SMC Title 25; and,
 - (f) Development Standards – Landscaping and Irrigation, Chapter 21A.35 SMC.
- (2) Within sensitive areas designated pursuant to Chapter 21A.50 SMC, uses shall be limited to those specified in that chapter. Within any other areas subject to clearing restrictions referenced or contained in this section, the following uses are allowed under a clearing permit:
- (a) Passive recreation uses and related facilities, including pedestrian and bicycle trails, nature viewing areas, fishing and camping areas, and other similar uses that do not require permanent structures; provided, that cleared areas and/or areas of compacted soils associated with these uses and facilities do not exceed eight percent of the area of the tract or easement. Within wildlife habitat corridors, trail widths shall be the minimum allowed under adopted trail standards and no other recreation uses shall be permitted in the 150-foot minimum width of the corridor;
 - (b) Utilities and utility easements, including surface water facilities; provided, that such uses are within or adjacent to existing road or utility easements whenever possible. Within wildlife habitat corridors, existing or multiple utility uses within established easements shall be allowed within the 150-foot minimum width of the corridor. Development of new utility corridors shall be allowed within wildlife habitat corridors only when multiple uses of existing easements are not feasible and the utility corridors are sited and developed using county-approved best management practices to minimize disturbance; and
 - (c) Removal of dangerous and/or damaged trees.
- (3) Construction projects can be a significant contributor of pollution to streams and wetlands. Therefore, from October 1st through March 31st:
- (a) Clearing and grading shall only be permitted if shown to the satisfaction of the director that silt-laden runoff exceeding standards in the King County surface water design manual will be prevented from leaving the construction site through a combination of the following:
 - (i) Site conditions including vegetative coverage, slope, soil type and proximity to receiving waters;
 - (ii) Limitations on activities and the extent of disturbed areas; and
 - (iii) Proposed erosion and sedimentation control measures.
 - (b) The director shall set forth in writing the basis for approval or denial of clearing or grading during this period.

- (c) Clearing and grading will be allowed only if there is installation and maintenance of an erosion and sedimentation control plan approved by the department that shall define any limits on clearing and grading or specific erosion and sediment control measures required during this period. Alternate best management practices may be approved or required on-site by the inspector.
- (d) If, during the course of construction, silt-laden runoff exceeding standards in the King County surface water design manual leaves the construction site or if clearing and grading limits or erosion and sediment control measures shown in the approved plan are not maintained, a notice of violation shall be issued.
- (e) If the erosion and sediment control problem defined in the violation is not adequately repaired within 24 hours of the notice of violation, then a notice and order may be issued by the inspector to install adequate erosion and sediment control measures to stop silt-laden runoff from leaving the site. The notice and order may also require the contractor to discontinue any further clearing or grading, except for erosion and sediment control maintenance and repair, until the following March 31st.
- (f) The following activities are exempt from the seasonal clearing and grading requirements of this subsection:
 - (i) Routine maintenance and necessary repair of erosion and sediment control facilities;
 - (ii) Routine maintenance of public facilities or existing utility structures as provided by SMC 21A.50.050;
 - (iii) Activities where there is 100 percent infiltration of surface water runoff within the site in approved and installed erosion and sedimentation control facilities;
 - (iv) Typical landscaping activities of existing single-family residences that do not require a permit; and
 - (v) Public agency response to emergencies that threaten the public health, safety, and welfare.

SMC 21A.15.267 DBH.

“DBH” means the diameter of a tree as measured at breast height (fifty-four inches above the ground).

SMC 21A.15.1332 Tree, Heritage.

“Tree, Heritage” means a tree that is equal to or greater than twenty-two (22) inches DBH.

SMC 21A.15.1333 Tree, Significant.

“Tree, Significant” means a tree that is:

- (1) A coniferous tree with a diameter of eight (8) inches or more DBH; or
- (2) A deciduous tree with a diameter of twelve (12) inches or more DBH.

21A.35.030 Landscaping – Screen types and description.

The three types of landscaping screens are described and applied as follows:

(1) Type I Landscaping Screen.

- (a) Type I landscaping shall function as a full screen and visual barrier. This landscaping is typically found between residential and nonresidential areas.
- (b) Type I landscaping shall minimally consist of:
 - (i) A mix of primarily evergreen trees and shrubs generally interspersed throughout the landscape strip and spaced to form a continuous screen;
 - (ii) Between 70 and 90 percent evergreen trees;
 - (iii) Trees provided at the rate of one per 10 linear feet of landscape strip and spaced no more than 20 feet apart on center;
 - (iv) Evergreen shrubs provided at the rate of one per linear four feet of landscape strip and spaced no more than eight feet apart on center; and
 - (v) Groundcover pursuant to SMC 21A.35.080; and
 - (vi) Subject to director’s review for consistency with section (a) above.

(2) Type II Landscaping Screen.

- (a) Type II landscaping is a “filtered screen” that functions as a visual separator. This landscaping is typically found between commercial and industrial uses, between differing types of residential development, and to screen industrial uses from the street;
- (b) Type II landscaping shall minimally consist of:
 - (i) A mix of evergreen and deciduous trees and shrubs generally interspersed throughout the landscape strip spaced to create a filtered screen;
 - (ii) At least 50 percent deciduous trees and at least 30 percent evergreen trees;
 - (iii) Trees provided at the rate of one per 20 linear feet of landscape strip and spaced no more than 30 feet apart on center;
 - (iv) Shrubs provided at the rate of one per four linear feet of landscape strip and spaced no more than eight feet apart on center; and
 - (v) Groundcover pursuant to SMC 21A.35.080;

(3) Type III Landscaping Screen.

- (a) Type III landscaping is a “see-through screen” that functions as a partial visual separator to soften the appearance of parking areas and building elevations. This landscaping is typically found along street frontage or between apartment developments;
- (b) Type III landscaping shall minimally consist of:
 - (i) A mix of evergreen and deciduous trees generally interspersed throughout the landscape strip and spaced to create a continuous canopy;
 - (ii) At least 70 percent deciduous trees;
 - (iii) Trees provided at the rate of one per linear 25 feet of landscape strip and spaced no more than 30 feet apart on center;
 - (iv) Shrubs provided at the rate of one per four linear feet of landscape strip and spaced no more than eight feet apart on center; and
 - (v) Groundcover pursuant to SMC 21A.35.080. (Ord. O99-29 § 1)

21A.35.040 Landscaping – Street frontages.

The required width of perimeter landscaping along street frontages shall be provided as follows:

- (1) Twenty feet of Type II landscaping shall be provided for an institutional use, excluding playgrounds and playfields;
- (2) Ten feet of Type II landscaping shall be provided for an industrial development;
- (3) Ten feet of Type II landscaping shall be provided for an above-ground utility facilities development, excluding distribution and transmission corridors, located outside a public right-of-way;
- (4) Ten feet of Type III landscaping shall be provided for a commercial or attached/group residence development; and
- (5) For single-family subdivisions:
 - (a) Trees shall be planted at the rate of one tree for every 40 feet of frontage along a neighborhood collector street or arterial street;
 - (b) The trees shall be:
 - (i) Located within the street right-of-way if permitted by the custodial state or local agency;
 - (ii) No more than 20 feet from the street right-of-way line when located within a lot;
 - (iii) Maintained by the adjacent landowner unless part of a City maintenance program; and
 - (iv) A species approved by the City if located within the street right-of way and compatible with overhead utility lines;
 - (c) The trees may be spaced at irregular intervals in order to accommodate sight distance requirements for driveways and intersections.

21A.35.055 Landscaping – Drainage facilities.

The optional landscaping requirements established for detention facilities in the King County Surface Water Design Manual, Section 5.3.1, are hereby adopted by reference and shall be mandatory for all drainage facilities not located entirely underground. The department shall review and approve proposed landscaping plans subject to the following:

- (1) Revisions to plans or additional landscaping requirements may be required to ensure that the proposed landscaping provides an effective screen and an enhancement to the overall appearance of the facility.
- (2) Trails or walkways may be incorporated into the landscaping plan.
- (3) Ten feet of Type I landscaping consisting of 100 percent evergreen trees and shrubs shall be required for that portion of the perimeter of detention facilities where detention facilities directly abut public right of way, public access or can be seen from a public or private street or does not abut designated open space or environmentally sensitive areas.

21A.35.090 Landscaping – Alternative options.

The following alternative landscape options may be allowed, subject to City approval, only if they accomplish equal or better levels of screening, or when existing conditions on or adjacent to the site, such as significant topographic differences, vegetation, structures, or utilities would render application of this chapter ineffective or result in scenic view obstruction:

- (1) The amount of required landscape area may be reduced to ensure that the total area for required landscaping, and/or the area remaining undisturbed for the purpose of wildlife habitat or corridors

does not exceed 15 percent of the net developable area of the site. For the purpose of this subsection, the net developable area of the site shall not include areas deemed unbuildable due to their location within sensitive areas and any associated buffers;

- (2) The average width of the perimeter landscape strip may be reduced up to 25 percent along any portion where:
 - (a) Berms at least three feet in height or architectural barriers at least six feet in height are incorporated into the landscape design; or
 - (b) The landscape materials are incorporated elsewhere on-site;
- (3) In pedestrian district overlays, street perimeter landscaping may be waived provided a site plan, consistent with the applicable adopted area zoning document, is approved that provides street trees and other pedestrian-related amenities;
- (4) Landscaping standards for uses located in a rural town or rural business centers designated by the comprehensive plan may be waived or modified by the director if deemed necessary to maintain the historic character of the area. Where a local or subarea plan with design guidelines has been adopted, the director shall base the landscaping modifications on the policies and guidelines of such plan;
- (5) When an existing structure precludes installation of the total amount of required site perimeter landscaping, such landscaping material shall be incorporated on another portion of the site;
- (6) Single-stemmed deciduous tree species that cannot generally be planted and established in larger sizes may have a caliper of less than 1.5 inches;
- (7) The number of trees and shrubs to be provided in required perimeter and parking area landscaping may be reduced up to 25 percent, subject to approval by the director, when a development retains existing significant trees within required landscaping areas consistent with the provisions of SMC 21A.35.210 – Tree Retention Requirements.
- (8) The number of trees and shrubs to be provided in required perimeter and parking area landscaping may be reduced up to 25 percent when a development uses landscaping materials consisting of species typically associated with the Puget Sound basin in the following proportions:
 - (a) Seventy-five percent of groundcover and shrubs; and
 - (b) Fifty percent of trees; and
- (9) The department shall, pursuant to Chapter 2.55 SMC, develop and maintain an advisory listing of trees recommended for new plantings. Such list shall describe their general characteristics and suitability, and provide guidelines for their inclusion within required landscape areas.

21A.35.100 Landscaping – Plan design, design review, and installation.

- (1) The landscape plan submitted to the department shall be drawn on the same base map as the development plans and shall identify the following:
 - (a) Total landscape area and separate hydrozones;
 - (b) Landscape materials botanical/common name and applicable size;
 - (c) Property lines;
 - (d) Impervious surfaces;
 - (e) Natural or manmade water features or bodies;
 - (f) Existing or proposed structures, fences, and retaining walls;
 - (g) Natural features or vegetation left in natural state; and
 - (h) Designated recreational open space areas.

- (2) The proposed landscape plan shall be certified by a Washington State registered landscape architect, Washington State certified nurseryman, or Washington State certified landscaper.
- (3) An affidavit signed by an individual specified in subsection (2) of this section, certifying that the landscaping has been installed consistent with the approved landscaping plan, shall be submitted to the department within 30 days of installation completion, unless the installed landscaping has been inspected and accepted by the department.
- (4) The required landscaping shall be installed no later than three months after issuance of a certificate of occupancy for the project or project phase. However, the time limit for compliance may be extended to allow installation of such required landscaping during the next appropriate planting season. A financial guarantee shall be required prior to issuance of the certificate of occupancy, if landscaping is not installed and inspected prior to occupancy.
- (5) A tree retention plan shall be prepared and submitted separately from the proposed landscape plan, provided that retained trees counted towards site landscaping may be identified on the landscape plan. The tree retention plan shall:
 - a. Be reviewed by a certified professional to ensure selection of healthy trees pursuant to SMC 21A.35.210(5) –Tree Retention requirements; and
 - b. Identify trees scheduled for future removal and / or removed within the past year, to the maximum extent feasible.

SMC 21A.35.210 Tree Retention requirements.

The following tree retention requirements shall be applied in addition to the applicable requirements of 16.15 and 21A.50 SMC:

- (1) Emergency tree removal to prevent imminent danger or hazard to persons or property shall not be limited by this section or SMC 21A.35.230 – Tree Protection Standards.
- (2) All new subdivisions and short plats shall retain significant trees subject to the following standards:
 - (a) Within areas unconstrained by environmentally sensitive areas and associated buffers, a minimum of **twenty-five (25) percent** of significant trees shall be retained.
 - (b) Within environmentally sensitive areas and associated buffers, significant trees and other vegetation shall be retained subject to the requirements of SMC 21A.50; provided that trees retained within environmentally sensitive areas and associated buffers may be counted for up to fifty (50) percent of the tree retention requirement in subsection (a) above;
- (3) All new commercial and institutional developments shall retain significant trees subject to the following standards:
 - (a) Within areas unconstrained by environmentally sensitive areas and associated buffers, a minimum of **thirty (30) percent** of significant trees shall be retained.
 - (b) Within environmentally sensitive areas and associated buffers, significant trees and other vegetation shall be retained subject to the requirements of SMC 21A.50; provided that trees retained within environmentally sensitive areas and associated buffers may be counted for up to (50) percent of the tree retention requirement in subsection (a) above.
- (4) All clearing and grading of existing undeveloped properties shall retain significant trees subject to the requirements for tree retention of commercial developments.
- (5) Trees identified for retention shall be selected, to the extent feasible, subject to the following criteria:
 - (a) Trees located within healthy, vegetated groups and stands rather than as isolated trees scattered throughout the site;
 - (b) Trees that have a reasonable chance of survival once the site is developed;
 - (c) Trees that will not pose a threat to persons or property;
 - (d) Trees that can be incorporated into required landscaping or can be used to screen the site from adjacent properties;
 - (e) Trees adjacent to open space, sensitive area buffers or sensitive area tracts;
 - (f) Trees having a significant land stability function; or,

- (2) The proposed landscape plan shall be certified by a Washington State registered landscape architect, Washington State certified nurseryman, or Washington State certified landscaper.
- (3) An affidavit signed by an individual specified in subsection (2) of this section, certifying that the landscaping has been installed consistent with the approved landscaping plan, shall be submitted to the department within 30 days of installation completion, unless the installed landscaping has been inspected and accepted by the department.
- (4) The required landscaping shall be installed no later than three months after issuance of a certificate of occupancy for the project or project phase. However, the time limit for compliance may be extended to allow installation of such required landscaping during the next appropriate planting season. A financial guarantee shall be required prior to issuance of the certificate of occupancy, if landscaping is not installed and inspected prior to occupancy.
- (5) A tree retention plan shall be prepared and submitted separately from the proposed landscape plan, provided that retained trees counted towards site landscaping may be identified on the landscape plan. The tree retention plan shall:
 - a. Be reviewed by a certified professional to ensure selection of healthy trees pursuant to SMC 21A.35.210(5) –Tree Retention requirements; and
 - b. Identify trees scheduled for future removal and / or removed within the past year, to the maximum extent feasible.

SMC 21A.35.210 Tree Retention requirements.

The following tree retention requirements shall be applied in addition to the applicable requirements of 16.15 and 21A.50 SMC:

- (1) Emergency tree removal to prevent imminent danger or hazard to persons or property shall not be limited by this section or SMC 21A.35.230 – Tree Protection Standards.
- (2) All new subdivisions and short plats shall retain significant trees subject to the following standards:
 - (a) Within environmentally sensitive areas and associated buffers, significant trees and other vegetation shall be retained subject to the requirements of SMC 21A.50; Trees retained within environmentally sensitive areas and associated buffers may be used for up to fifty (50) percent of the tree retention requirement in subsection (b) below;
 - (b) Within areas unconstrained by environmentally sensitive areas and associated buffers, a minimum of **twenty-five (25) percent** of significant trees shall be retained.
- (3) All new commercial and institutional developments shall retain significant trees subject to the following standards:
 - (a) Within environmentally sensitive areas and associated buffers, significant trees and other vegetation shall be retained subject to the requirements of SMC 21A.50; Trees retained within environmentally sensitive areas and associated buffers may be used for up to (50) percent of the tree retention requirement in subsection (b) below;
 - (b) Within areas unconstrained by environmentally sensitive areas and associated buffers, a minimum of **thirty (30) percent** of significant trees shall be retained.
- (4) All clearing and grading of existing undeveloped properties shall retain significant trees subject to the requirements for tree retention of commercial developments.
- (5) Trees identified for retention shall be selected, to the extent feasible, subject to the following criteria:
 - (a) Trees located within healthy, vegetated groups and stands rather than as isolated trees scattered throughout the site;
 - (b) Trees that have a reasonable chance of survival once the site is developed;
 - (c) Trees that will not pose a threat to persons or property;
 - (d) Trees that can be incorporated into required landscaping or can be used to screen the site from adjacent properties;
 - (e) Trees adjacent to open space, sensitive area buffers or sensitive area tracts;
 - (f) Trees having a significant land stability function; or,
 - (g) Trees that meet the definition of heritage tree.

- (6) Subject to review and approval by the Director, up to fifty (50) percent of trees identified for retention may be removed, provided replacement trees shall be required pursuant to SMC 21A.35.240 Tree Replacement and Enforcement.
- (7) Exceptions to the tree retention standards may be requested and approved by the City subject to the satisfying all of the following criteria:
 - (a) Strict compliance with the provisions of this code would prevent reasonable use of the property;
 - (b) Proposed tree removal and proposed replacement is consistent with this section and SMC 21A.35.230 Tree Protection Standards, SMC 21A.50, and SMC 16.15; and,
 - (c) Proposed tree replacement is consistent with the requirements of SMC 21A.35.240 – Tree Replacement and Enforcement.

SMC 21A.35.230 Tree Retention incentives.

Projects that retain more trees than required pursuant to SMC 21A.35.210 may be granted the following incentives, subject to City review and approval:

- (1) New subdivisions and short plats which retain a total of **thirty percent** or more of significant trees (outside of environmentally sensitive areas and associated buffers) on the subject site may reduce required on-site recreation space by up to **ten percent**; and
- (2) New subdivisions and short plats which retain a total of **thirty-five percent** or more of significant trees (outside of environmentally sensitive areas and associated buffers) on the subject site may modify the net density calculation pursuant to SMC 21A.25.080 to include up to **ten percent** of the area within environmentally sensitive areas towards site density calculations.

SMC 21A.35.230 Tree Protection Standards.

The following tree protection standards shall apply to trees retained pursuant to SMC 21A.35.210 – Tree Retention Requirements:

- (1) All trees identified for retention shall be identified on project site plans, and shall include a summary of the project specific tree protection measures;
- (2) Trees identified for retention shall be identified on the project site by use of one or more of the following methods:
 - (a) Tree protection barriers shall be installed along the outer edge and completely encompass the dripline of trees identified for retention. Protection barriers shall consist of fencing at least four feet high, constructed of chain link or polyethylene laminar safety fencing or similar material; or
 - (b) Tree protection flagging shall be installed along the outer edge and completely encompass the dripline of trees identified for retention. Flagging should include signs reading “Tree Save Area”.
- (3) All construction activities shall be located outside of the dripline of trees identified for retention;
- (4) Site plans shall be designed to provide long-term protection of trees identified for retention. Site design shall incorporate one of the following to provide protection of retained trees:
 - (a) Curbing or other physical barrier in areas used by vehicular traffic;
 - (b) Fencing around areas adjacent to areas not used by vehicular traffic; or
 - (c) Other protection means subject to approval by the Director.
- (5) All trees identified for retention may be pruned and otherwise maintained at the property owner’s discretion, provided that topping of retained trees and removal of more than twenty-five (25%) percent of existing limbs shall only be permitted under the direction of a certified arborist.

SMC 21A.35.240 Tree Replacement and Enforcement.

This section shall apply in addition to the provisions of SMC Title 23 – Code Enforcement.

- (1) Any tree removed in violation of SMC 21A.35.230 – Tree Retention Standards, or any tree removed pursuant to the exception process of SMC 21A.35.230(6) – Tree Retention Standards, shall be subject to the following replacement requirements:
 - (a) Coniferous trees shall be replaced by coniferous trees native to Washington and deciduous trees shall be replaced by deciduous trees native to Washington;
 - (b) Replacement coniferous trees shall be at least eight (8) feet in height. Replacement deciduous trees shall be at least 1.5 inches in diameter (DBH); and
 - (c) Trees shall be replaced subject to the following replacement ratios:
 - (i) Removed trees with a DBH greater than nine (9) inches up to twelve (12) inches shall be replaced by four (4) trees;
 - (ii) Removed trees with a DBH greater than twelve (12) inches up to sixteen (16) inches shall be replaced by six (6) trees; and,
 - (iii) Removed trees with a DBH of sixteen (16) inches or more shall be replaced by eight (8) trees.
- (2) Financial guarantees for replacement trees may be required consistent with the provisions of SMC Title 27A.
- (3) At the discretion of the Director, each tree removed in violation of this chapter may be considered a separate code enforcement case for the purposes of Title 23 – Code Enforcement.