

## RZC 21.72 TREE ~~PROTECTION~~REGULATIONS

### 21.72.010 Purpose ~~and Intent~~

A. The purpose of this chapter is to:

1. Avoid the removal of stands of trees and significant trees in order to maintain the quality of Redmond's urban environment;
2. Protect stands of trees and significant trees to the maximum extent possible in the design of new buildings, roadways, and utilities;
3. Mitigate the environmental and aesthetic consequences of tree removal in land development through on-site and off-site tree replacement to achieve a goal of no net loss of trees throughout the City of Redmond;
4. Provide measures to protect trees that may be impacted during construction;
5. Support the Tree Canopy Strategic Plan by monitoring canopy changes against a citywide target of 40% coverage over 30 years.
- 5.6. Support the Environmental Sustainability Action Plan; and
- 6.7. Maintain and protect the public health, safety, and general welfare;~~and.~~

B. The intent of this chapter is to achieve a treed vision for the City through a combination of tree retention and tree replacement compatible with supporting density, housing and jobs in the adopted Community Strategic Plan and Comprehensive Plan.

### 21.72.020 Benefits and Values of Trees

A. Trees provide innumerable benefits and values that are woven into the fabric of the community. It is critical to 6. — Preserve—preserve the aesthetic, ecological, and economic benefits of forests and tree-covered areas in Redmond~~7. These benefits which~~ include:

- ~~a.1.~~ Providing varied and rich habitats for wildlife;
- ~~b.2.~~ Absorbing greenhouse gas emissions;
- ~~c.3.~~ Moderating the effects of winds and temperatures;
- ~~d.4.~~ Stabilizing and enriching the soil;
- ~~e.5.~~ Slowing runoff from precipitation and reducing soil erosion;
- ~~f.6.~~ Improving air quality;
- ~~g.7.~~ Improving water quality;
- ~~h.8.~~ Masking unwanted sound;
- ~~i.9.~~ Providing visual relief and screening buffers;
- ~~j.10.~~ Providing recreational benefits;
- ~~k.11.~~ Enhancing the economic value of developments; and
- ~~l.12.~~ Providing a valuable asset to the community as a whole.

### 21.72.060-030 Tree ~~Management Protection~~Standards

#### A. Tree Impacts, Approach

1. All adverse impacts to significant trees and landmark trees shall be mitigated. Mitigation actions by an applicant or property owner shall occur in the following sequence:
  - a. Avoid impacts altogether by not removing trees;

- b. Minimize impacts by retaining as many trees as possible and taking affirmative steps, such as project redesign, to reduce impacts;
- c. Mitigate for the impacts associated with removed and impacted trees by replacing these trees on-site;
- d. Mitigate for the impacts associated with removed and impacted trees by replacing trees off-site;
- e. Compensate for the impact by paying a fee-in-lieu for replacement trees; and
- a.f. Monitor the success of any mitigation and take remedial action when necessary.

**B. Tree ~~Protection~~Regulation, In General.**

1. In all developments, a minimum of 35 percent of all significant trees shall be ~~retained~~protected consistent with the sequencing requirements of RZC 21.72.030.A.
2. Street trees within existing developed or undeveloped public rights-of-way are not included as part of the overall protected significant tree count for the purposes of meeting the 35 percent requirement on private property proposed for development.
3. Trees that are located within Native Growth Protection Areas/~~Easements, critical areas, and their associated buffers as provided in RZC 21.64, Critical Areas, or that have otherwise been designated for protection~~ shall ~~not only~~ be removed if they are deemed to be hazardous pursuant to paragraph 6 below. Exceptions to this standard shall be requested and reviewed in accordance with RZC 21.72.~~090~~100, ExceptionsDeviations Tree removal located in critical areas, (outside of pre-existing NGPEs/NGPAs) as part of an approved mitigation plan shall be regulated under RZC 21.64, Critical Areas Regulations with the exception that the number of replacement trees per RZC 21.72.040.B shall be met.
- ~~2.4.~~ Impacted trees, as defined in RZC 21.78, do not count towards meeting the minimum tree protection requirements of this section. Impacted trees shall be subject to tree replacement requirements contained in RZC 21.72.040.
- ~~3.5.~~ Landmark Trees. Landmark trees shall ~~not be removed unless an~~only be removed through a ~~exception~~deviation per RZC 21.72.100 that has been applied for and granted.
- ~~4.6.~~ Hazardous Trees. Hazardous trees ~~or dead trees~~ posing a ~~hazard~~high or severe risk to structures or public infrastructure, ~~outside of NGPAs, critical areas and buffers,~~ ~~should~~may be removed through a Tree Removal Permit per RZC 21.72.060 or as part of the land use entitlement process. ~~and are not considered significant trees.~~ Hazardous trees require replacement pursuant to 21.72.040. Hazardous trees physically located within a NGPA/NGPE may not be removed. However, trees within a NGPA/NGPE that are within striking distance of a structure may be snagged to avoid potential damage to the structure and provide habitat benefit. The height of the snag shall be less than the striking distance to the structure. Tree remains after snagging shall be left within the NGPA/NGPE.
7. Trees removed with or without a permit within 24 months prior to submitting~~ing~~al of a development application shall be counted towards tree removal totals for that development application.

**C. Site Design Standards.** This code section provides for identification of trees to be designated for protection. Site improvements shall be designed and constructed to meet the following

standards:

1. Site improvements shall be designed to protect trees with the following characteristics, functions, or location, with priority given to protection according to the following item hierarchy, arranged from most important to least important:
  - a. Existing stands of healthy trees, with an emphasis on landmark trees, healthy long-lived species, native conifers, and other native species;
  - b. Trees providing habitat value, such as riparian habitat;
  - c. Trees having a significant land stability function;
  - d. Trees adjacent to public parks and open space;
  - e. Trees within the required yard setbacks or around the site perimeter; and
  - f. Trees that ~~have provide~~ screening between higher and lower intensity zones and land uses ~~function or provide relief from glare, blight, or commercial or industrial harshness.~~
2. Trees whose trunk extends 50% or more over property lines shall not be identified as a retained tree unless the neighboring property owner grants and records an easement on their property for the retained trees. This is to avoid situations where saved trees are designated in a development only to be negatively impacted/damaged or removed when the neighboring property is developed. Trees whose trunk extends 50% or more over rights-of-way shall not be identified as a retained tree.
3. Avoid conflicts with trees and both underground and overhead utilities.
4. In considering trees for protection, applicants and the City shall avoid, to the extent known, the selection of 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 blowdowns 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.

The applicant shall demonstrate in writing how the Site Design Standards 1-4 above have been met.

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

1. 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 feet outside of the drip line~~ the critical root zone of a protected tree, subject to the following:-
  - ~~2.a. No proposed structure, utility, or roadway shall be located within five feet of the drip line of a protected tree, except where such structure is a~~ A raised deck, bay window, or cantilevered element or other ~~wise~~ raised structure above the ground's surface may be located within the critical root zone of a protected tree provided that element will so as not to disrupt the tree's roots.
  - ~~3.b.~~ Sidewalks and utilities may be located within the ~~drip line~~ critical root zone 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 and utility protection are proposed and approved which will ensure the

long-term viability of the tree. This shall be documented in a report by a certified arborist.

- ~~4. The Administrator may allow construction limits or an alteration of grades within five feet of the drip line 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.~~

~~5.c.~~ The Administrator may require an evaluation by a certified arborist to determine if protective measures should be required beyond ~~five feet of the drip line~~ the critical root zone of a protected tree.

#### **E. Designation of Protected Trees.**

1. 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," "Native Growth Protection Easements," "critical areas," "critical 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 section.
2. Tree Protection Tracts
  - a. Tree protection tracts, or other similar mechanisms as deemed appropriate by the Administrator, shall be used to delineate and protect contiguous areas of protected trees.
  - b. Tree protection tracts shall be recorded on all documents of title or record for affected lots.
  - c. The City may require that any tree protection tract be held in an undivided interest by each owner of a building lot within the development, with the ownership interest passing with ownership of the lot, or held by an incorporated homeowners' association, or other legal entity which assures the ownership, maintenance, and protection of the tract.
3. Tree Protection Markers and Signs
  - a. The boundary at the outer edge of the tree protection tract or easement shall be delineated with permanent survey stakes, using iron or concrete markers as established by local survey standards.
  - b. The boundary at the outer edge shall be identified with temporary signs prior to any site disturbance. The temporary signs shall be replaced with permanent signs prior to occupancy or use of the site. The number and spacing of permanent signs shall be designated by the Planning Department.
4. Notice on Title
  - a. In order to inform subsequent purchasers of real property of the existence of protected trees, the owner of any property containing a tree protection tract on which a development proposal is submitted shall file a notice with the King County Department of Records and Elections. The notice shall state the presence of protected trees on the property, of the application of the Tree Regulations to the property, and the fact that limitations on actions in or affecting protected trees may exist. The notice shall run with the land.

- b. The applicant shall submit proof that the notice has been filed for public records before the City approves a building permit or, in the case of subdivision of land or binding site plans, at or before recording.

**F. Incentives for Higher Levels of Tree Protection.**

1. The Administrator may grant adjustments to site development standards for developments on which ten or more healthy significant trees per acre exist-~~acre~~, as follows:
  - a. Developments that preserve 40 percent or more of the healthy significant and landmark trees shall be entitled to the Administrative Design Flexibility provisions for residential or commercial properties as outlined in RZC 21.76.070.C, Administrative Design Flexibility.
  - b. Developments that preserve 40 percent or more of the healthy significant and landmark trees shall be entitled to incentives through the Green Building Incentive Program in RZC 21.67- under the Native Vegetation Retention technique pursuant to {RZC 21.67.050.C}.

**21.72.080-040 Tree Replacement**

- A. Prior to any tree removal, the applicant shall demonstrate through a tree ~~protection-~~retention and replacement plan, critical area mitigation plan, or other plans acceptable to the Administrator that the tree cannot be retained and tree replacement will meet the minimum standards of this section. If tree retention is not practicable, Priority for tree-replacement trees shall be located according to the following hierarchy, arranged from highest priority to lowest priority is as follows: on-site, off-site, then fee-in-lieu. Refer to RZC 21.72.0840.D and E for locational requirements.

**B. Replacement Required.**

A significant tree to be removed shall be replaced by ~~one-three~~ new trees ~~in accordance with subsection pursuant to paragraph RZC 21.72.080040.C of this section.~~ A significant tree that will be impacted shall be mitigated by planting one new tree pursuant to paragraph RZC 21.72.040.C. Trees that are removed which are classified as landmark shall be replaced by ~~three-six~~ new trees ~~in accordance with subsection pursuant to paragraph RZC 21.72.080040.C of this section.~~ A landmark tree that will be impacted shall be mitigated by planting three new trees pursuant to paragraph RZC 21.72.040.C. Hazardous trees shall be replaced by one new tree pursuant to paragraph RZC.21.78.040.C. No tree replacement is required ~~in the following cases: 1. The~~when the tree is ~~hazardous, dead, diseased, injured, or in a declining condition with no reasonable assurance of regaining vigor~~ provided documentation is accepted and approved by the City regarding the tree condition and the City concurs.

Trees impacted or removed as part of an approved critical areas mitigation plan do not require a separate tree replacement plan. Trees removed or impacted as part of within a critical area shall be mitigated in accordance with an approved critical areas mitigation plan with the exception that the number of replacement trees per this section shall be met.

- ~~2. The tree is proposed to be relocated to another suitable planting site, provided that relocation complies with the standards in this section.~~

**C. Replacement Specifications.**

1. Minimum sizes for replacement trees shall be:
  - a. Two-and-one-half-inch caliper for deciduous trees; and
  - b. Six feet in height for evergreen trees.
2. The Administrator may consider smaller-sized replacement trees if:
  - a. The applicant is a single-family homeowner applying for a tree removal permit and the homeowner will plant the replacement tree(s) versus hiring a contractor. In this case, the homeowner may request a waiver as part of the tree removal permit to have the size at installation of a deciduous replacement tree reduced to five-to-ten-gallon sized trees. There is no waiver for size at installation for evergreen trees. or
  - ~~2.b. the~~ The applicant can demonstrate that smaller trees are more suited to the species, the site conditions, and the purposes of this section, and that such trees will be planted in sufficient quantities to meet the intent of this section. This is particularly relevant for trees that are removed in a critical area as part of an approved critical areas mitigation plan. At a minimum, species size at installation shall be consistent with RZC Appendix A, Subsection G, Stream and Wetland Mitigation Plans.
3. Replacement trees shall be primarily native species in order to restore and enhance the site as nearly as practicable to its predevelopment ~~character~~condition. Native species shall be consistent with the definition of Native Vegetation in RZC 21.78. Coniferous trees removed shall be replaced with coniferous trees. Deciduous trees removed may be replaced with either coniferous or deciduous trees. Additionally, a mix of slow-, medium-, and fast-growing replacement trees should be included in order to achieve both an early and long-lasting tree canopy. However, if an ornamental tree has been removed through a tree removal permit, it may be replaced with an ornamental tree.
4. The condition of replacement trees shall be healthy and meet or exceed current American Nursery and Landscape Association or equivalent organization's standards for nursery stock as noted in American National Standards Institute (ANSI) Nursery Stock Standards by AmericanHort, 2014 or as amended.
5. Installation.
  - a. Installation of required replacement trees 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 bonded per RZC 21.76.090.F.4 or completed prior to issuance of a building permit.

- D. Location for Tree Replacement – On-Site.** 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 RZC 21.72.~~080040~~.E of this section.

**E. Location for Tree Replacement - Alternatives.**

1. General. When on-site replacement cannot be achieved, the Administrator ~~may consider~~approve the following alternatives. The applicant shall include a written narrative demonstrating why tree replacement cannot be accommodated on-site and a discussion of the rationale for consideration of one of the alternatives set forth below. Criteria that



must be contained in the narrative includes:

- a. tree density;
- b. existing plant competition;
- c. tree species characteristics;
- d. planting site conditions such as drainage, soil compaction, amount of light, slope, and space; and
- e. any other factors that demonstrate there is no space on site trees can be planted where they can grow to maturity unimpeded.

12. Off-Site Tree Replacement.

- a. The number of replacement trees shall be the same as described in subsection RZC 21.72.080040.B of this section, *Replacement Required*. Replacement costs (material plus labor) shall be at the applicant's expense.
- b. Allowable sites for receiving off-site replacement plantings.
  - i. City- or county-owned parks within the City, open space areas, Native Growth Protection Areas (NGPA)/Native Growth Protection Easements (NGPE), or river and stream corridors within Redmond city limits, or lands controlled by the City. Priority is given to sites identified in the Tree Canopy Strategic Plan.
  - ii. Private open space which is permanently protected and maintained, such as a Native Growth Protection Area (NGPA)/Native Growth Protection Easement (NGPE).
  - iii. Tree mitigation bank.
- c. All trees to be replaced off-site shall meet the replacement standards of this section.

23. 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 if .~~ The applicant can demonstrate in writing why replacement trees cannot be accommodated on-site and why off-site tree replacement is not practicable. A tree replacement fee shall be required for each replacement tree required but not planted on the application site or an off-site location.

- a. The amount of the fee shall be the tree base fee times the number of trees necessary to satisfy the tree replacement requirements of this section. The tree base fee shall cover the cost of tree, installation (labor and equipment), maintenance for two years, and fund administration. The tree base fee for each significant replacement tree shall be \$500. The tree base fee for each landmark replacement tree shall be \$2,000. These fees shall be adjusted periodically for inflation.
- b. The fee shall be paid to the City prior to the issuance of a tree removal permit or construction drawing approval for development proposals.
- c. Fees collected under this subsection shall be expended only for the planting of new trees in City-owned parks, open spaces, a tree mitigation bank, or rights-of-waysites identified in the City's Tree Canopy Strategic Plan.

~~3. 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:~~

- ~~d. Creation of wildlife snags from trees which would otherwise be removed;~~
- ~~e. Replacement of certain ornamental trees with native shrubs and groundcover;~~
- ~~f. Replacement of hazardous or short-lived trees with healthy new trees more likely to~~

- ~~survive;~~
- ~~g. Daylighting and restoration of stream corridors with native vegetation; and~~
- ~~h. Protection of nonsignificant trees to provide for the successional stages of forest development.~~

#### **F. Tree Replacement Guidelines and Requirements.**

1. When individual trees or tree stands are protected, replacement trees should be planted to reestablish or enhance tree clusters where they previously existed;
2. Where possible, replacement trees should be planted within critical areas or buffers, provided that the proposed planting conforms to the requirements for mitigation of critical areas in [RZC 21.64](#), *Critical Areas*. Replacement trees may be planted within an existing NGPA/[NGPE](#), where the Administrator determines that such planting enhances and complements existing vegetation and environmental functions;
3. Replacement trees shall be planted in locations appropriate to the species' growth habit and horticultural requirements;
4. Replacement trees shall be located away from areas where damage is likely or infrastructure integrity is compromised, based on the standards in [RZC 21.72.060030.CD](#), *Grading and Proximity to Structures, Utilities, and Roadways*;
5. Replacement trees shall be located to provide screening of the development from adjacent properties, where appropriate;
6. Replacement trees shall be planted in areas that connect or are adjacent to Native Growth Protection Areas/[Easements](#) or other open space, where appropriate; and
7. Replacement trees shall be integrated into the required landscape plans, if any, for a development; and
- ~~8. Replacement trees to be planted next to or under power lines shall be selected with consideration of the trees' maturation and maintenance requirements.~~

#### **~~G. Relocation of Trees.~~**

- ~~1. Trees designated as significant may be relocated to a new location on the property under the direction of a certified arborist;~~
- ~~2. With written permission, significant trees may be relocated to another private property or City-owned property under the direction of a certified arborist;~~
- ~~3. Relocated trees, meeting the standards above, shall count toward the host property's 35-percent tree retention requirement; and~~
- ~~4. Trees relocated to an off-site property shall be exempt from requirements for tree retention plans, recording, bonding, or other assurances.~~

#### **~~H. Supplemental Standards for the Marymoor Design District.~~**

- ~~1. Intent. The intent of these supplemental standards is to focus tree preservation and replacement on increasing long-term, healthy tree canopy throughout the Design District. Increasing tree canopy supports the subarea stormwater management strategy and urban design objectives, and contributes to Redmond's overall green character.~~
- ~~2. Applicability. The standards in this subsection apply only to the Marymoor Design District and supplement other standards in this chapter. Where a conflict exists between this subsection and other parts of this chapter, this subsection shall control.~~



- ~~3. Tree canopy. Protected trees, replacement trees and trees in the adjacent public right-of-way must together provide a tree canopy covering 15 percent of the site area within 10 years of site redevelopment, regardless of how many replacement trees are required to achieve the canopy requirement. To comply with this standard the applicant must present a statement and analysis from a certified landscape architect or arborist demonstrating that the plan will meet this standard. If the number of replacement trees required to achieve the canopy requirement is less than would otherwise be required, the applicant shall have the option to plant at least half of the difference, contribute at least half of the difference to the tree replacement fund, or a combination of the two.~~
- ~~2. Replacement specifications.~~
  - ~~a. Evergreen trees shall constitute at least 25 percent of protected and replacement trees combined.~~
  - ~~b. Replacement trees shall be a mix of slow (up to six inches/year), medium (6-18 inches/year) and fast-growing (more than 18 inches/year) species in order to achieve both early and long-lasting canopy. Slow, medium and fast-growing replacement trees shall each constitute at least 25% of the total number of replacement trees.~~
  - ~~c. Replacement trees shall be located so as to maximize their long-term health and growth potential, such as by locating them in large planted areas.~~
  - ~~d. Trees with broad canopies should be located farther from buildings and other structures with which they could conflict, while more columnar trees are more appropriate closer to buildings and other structures.~~
- ~~3. Relocation of trees. To encourage on-site relocation and replacement of trees:~~
  - ~~a. Trees relocated to an off-site property shall not count toward tree retention calculations; and~~
  - ~~b. Trees replaced using the fee-in-lieu program shall be replaced at a three-to-one (3:1) ratio.~~

## **21.72.070-050 On-Site Tree Protection Measures**

- A. **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:
1. All minimum required tree protection measures shall be shown on the approved tree protection and replacement plan.
  2. All construction activities, including staging and traffic areas, shall be prohibited within the five feet of the drip line/critical root zone of protected trees.
  3. Tree protection barriers shall be installed five feet beyond the drip line/outside of the critical root zone of significant/retained trees ~~to be protected~~ prior to any land disturbance. The location of these barriers shall be confirmed in the field by city staff prior to commencing site construction.
  - ~~4.~~ Tree protection barriers shall meet the City's standard detail, be a minimum of four feet high, constructed of chain link, or polyethylene laminar safety fencing or similar material, subject to approval by the Administrator.
  - ~~4.5.~~ Signs ~~On large or multiple project sites, the Administrator may also require that signs requesting requiring~~ subcontractor cooperation and compliance with tree protection

standards shall be posted at site entrances and visible for the duration of the project.

5.6. 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.

- B. **Preventative Measures.** In addition to the above minimum on-site 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. These measures shall be employed consistent with RZC Table 21.76.090, Performance and Warranty Assurances.:
1. Pruning of visible deadwood on trees to be protected or relocated;
  2. Application of fertilizer to enhance the vigor of stressed trees;
  3. Use of soil amendments and soil aeration in tree protection and planting areas;
  4. Mulching over tree drip line areas; and
  5. Ensuring proper water availability during and immediately after construction.

C. **Alternative Methods.** The Administrator may approve the use of alternative tree protection techniques method if the following criteria are met:

1. The method is recommended by a certified arborist with documentation that demonstrates how the proposal will achieve a superior outcome and meet the objectives of RZC 21.72.010, Purpose and Intent; and

2. The applicant can demonstrate that direct compliance with the regulations cannot be achieved without limiting reasonable use of the site. ~~a protected tree will be protected to an equal or greater degree than through the techniques listed above.~~

#### **21.72.020-060 Permits Permitting Approach - Required**

- A. **Permit Required.** Except as provided in RCZ 21.72.030070, *Exemptions*, any person who desires to cut down or remove any significant tree, hazardous tree or any stand of trees, or who desires to conduct grading activities on a site that will result in the removal ~~of~~ of significant or hazardous trees, must first obtain a permit to do so from the Administrators provided in this section. Landmark trees hold special status and requests for their removal is governed under RZC 21.72.100, Deviations. Tree topping is not permitted and shall be considered removal of a tree. This does not include pruning of fruit trees to encourage the production of fruit. Tree removal associated with a development proposal shall follow the tree protection standards set forth in RZC 21.72.030.

- B. **Developed Single-Family Lots.** The owners ~~s~~ of a developed single-family lots ~~s~~ must obtain a permit prior to removing any significant tree located on the lot and significant trees shall be replaced as provided in RZC 21.72.0840. Trees may be removed as follows:

Lots up to 10,000 square feet:	Up to 2 significant trees may be removed per <del>year</del> <u>365 days</u> .
Lots 10,001 square feet to 20,000 square feet:	Up to 4 significant trees may be removed per <del>year</del> <u>365 days</u> .
Lots 20,001 square feet to 30,000 square feet:	Up to 6 significant trees may be removed per <del>year</del> <u>365 days</u> .
Lots 30,001 square feet and greater:	Up to 8 significant trees may be removed per <del>year</del> <u>365 days</u> .

~~Provided that trees~~Trees previously designated for protection or located within a Native Growth Protection Area (NGPA) or Native Growth Protection Easement (NGPE) may not be removed unless they are determined to be hazardous. Exceptions to this standard shall be required and reviewed in accordance with RZC 21.72.100, Deviations. If deemed hazardous, these trees shall be snagged to provide habitat benefit. The height of the snag shall be less than the striking distance to structures. Tree remains after snagging shall be left within the NGPA/NGPE. Hazardous, ~~and dead, or otherwise dangerous~~ trees are not included in the limits on number of trees that may be removed pursuant to established by this section paragraph. Documentation that the subject tree is dead must be provided to the City for concurrence. The Administrator may approve the removal of more trees in a given year than set forth above if the remaining trees would pose a hazard to life or property. Replacement trees shall be planted for each significant trees and hazardous tree removed pursuant to RZC 21.72.040, Tree Replacement.

- C. **Other Developed Lots.** The owners of all other developed commercial, industrial, or multifamily lots must obtain a permit prior to removing any significant tree located on the lot. Permits ~~shall~~may be granted for the removal of no more than five significant trees per acre per ~~year~~365 days for the purposes of (a) thinning a heavily wooded area where remaining trees may benefit from the thinning and the site's forested look, value, or function is maintained, or (b) maintaining the site's landscaped areas. Trees previously designated ~~for protection as a protected tree~~ or located within a Native Growth Protection Area or Native Growth Protection Easement may not be removed. Exceptions to this standard shall be requested and reviewed in accordance with RZC 21.72.100, Deviations. However, t~~Trees~~physically located within a NGPA/NGPE that are determined to be hazardous and pose a high or severe risk to nearby structures or public infrastructure located outside of the NGPA/NGPA may be snagged upon securing a Tree Removal Permit with the City pursuant to RZC 21.72.030. The height of the snag shall be less than the striking distance of a structure. Tree remains after snagging shall be left within the NGPA/NGPE. Hazardous, ~~and dead, or otherwise dangerous~~ trees are not included in the limits established by this ~~section paragraph.~~ However, d~~Documentation that the subject tree is dead must be provided to the City for concurrence.~~ Replacement trees shall be planted for each significant trees and each hazardous tree removed pursuant to RZC 21.72.040, Tree Replacement.
- D. **Undeveloped Lots Not Under Land Use Permit Review.** The owners of an undeveloped lots for which no land use application is pending must obtain a permit prior to removing any significant tree(s) or stands of trees on the lot. Removal of 11 or more significant trees requires clearing and grading approval, in accordance with RMC Chapter 15.24, *Clearing, Grading and Stormwater Management*. Tree removal under this category is subject to tree retention standards set forth in RZC 21.72.030 and tree replacement standards set forth in RZC 21.72.040. Trees removed within two calendar years prior to the submittal of a complete development application shall be counted towards tree removal totals for the development application.

- E. **Undeveloped Lots for Which Land Use Permit Applications Are Pending.** When tree removal

is planned in conjunction with the construction of a new or expanded site or building, no separate tree removal permit is required, ~~but the~~ tree ~~Tree~~ protection and replacement standards of this chapter ~~will~~ shall be applied to the land use and civil construction permit applications in addition to the other criteria found in this code.

- F. **Forest Practices Permittees.** Permittees under Class IV - General forest practice permits 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 from the City. For all other forest practice permits (Class II, III, IV – special permit) issued by DNR for the purpose of commercial timber operations, no land use permits will be issued for six years following tree removal.
- G. **Archaeological Sites.** Known archaeological sites are not to be disturbed, including tree root removal, unless authorized by the State Department of Archaeology and Historic Preservation (DAHP) via a special permit, per RZC 21.30.070 and RCW 27.53.060.
- H. **Capital Improvements Projects.** Construction of Capital Improvement Projects (CIPs), other than public transportation and public utility systems, shall meet the requirements of these tree regulations. The project limit for a CIP can be either the fee-simple lot or the area of disturbance. The project limit shall be mutually agreed upon by the Administrator and the CIP project manager. For Capital Improvement Projects that do not require a land use entitlement, tree regulations compliance shall be demonstrated during the Civil Construction Drawing review process. Capital Improvement Projects that support habitat projects/activities shall be allowed to remove trees in critical areas consistent with an approved habitat restoration plan or rehabilitation plan. These habitat improvement projects shall follow the criteria in RZC 21.64, Critical Areas Regulations. These projects are subject to tree replacement per RZC 21.72.040.
- I. **Public Transportation and Public Utility Systems.** Construction of public transportation and public utility systems shall protect significant trees to the maximum extent practicable, while still ensuring the efficient development of the applicable system. The project limit shall be mutually agreed upon by the Administrator and the CIP project manager. For public transportation and public utility systems that do not require a land use entitlement, tree regulations compliance shall be demonstrated during the Civil Construction Drawing review process. These projects are subject to tree replacement per RZC 21.72.040.
- J. **Maintenance of Infrastructure.** Maintenance activities on infrastructure shall protect significant trees to the maximum extent practicable, while still ensuring safe operations. Tree removal undertaken as part of routine infrastructure maintenance shall be consistent with an applicable programmatic approval or shall require an over-the-counter Tree Removal Permit for the purposes of tree removal tracking and replacement.

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#### **21.72.030-070 Exemptions**

- A. The following activities are exempt from obtaining a permit under this chapter:

1. Emergency activities necessary to remedy an immediate threat to public health, safety, or welfare. In the event of an emergency, City staff shall be immediately notified. Once the immediate threat has been addressed, a post removal permit will be issued and tree replacement shall occur per RZC 21.72.040, Tree Replacement.
  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. Routine maintenance does not include the removal of significant trees.
  - ~~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-site or off-site tree replacement as set forth in the requirements of RZC 21.72.080, Tree Replacement.~~
  3. Removal of dead trees. Documentation that the subject tree is dead must be provided to the City for concurrence. The administrator may require assessment from a certified arborist.
- B. Nothing in this section shall be interpreted to allow the removal of trees or other vegetation within critical areas or critical area buffers, where prohibited under [RZC 21.64, Critical Areas](#), or in Native Growth Protection Areas or Native Growth Protection Easements. Exceptions to this standard shall be requested and reviewed in accordance with RZC 21.72.100, Deviations. Trees that are determined to be hazardous and threaten nearby structures outside of the NGPA/NGPE may be snagged upon consultation with and approval by the City per RZC 21.72.030.B and RZC 21.72.060. Tree remains after snagging shall be left within the NGPE/NGPA. Tree removal located in critical areas outside of pre-existing NGPEs/NGPAs as part of an approved mitigation plan shall be regulated under RZC 21.64, Critical Areas Regulations, with the exception that the number of replacement trees per RZC 21.72.040.B shall be met.
- C. Nothing in this section shall be interpreted to allow tree root removal on known archaeological sites unless authorized by the State Department of Archaeology and Historic Preservation via a special permit, per RZC 21.30.070 and RCW 27.53.060.

#### **21.72.040-080 Application Requirements**

The Administrator shall specify application submittal requirements, including the type of plans, level of detail and numbers of copies to be submitted. If applicable, a tree removal permit ~~An application~~ fee shall be paid at the time of application in an amount established in the City's fee schedule.

#### **21.72.050-090 Permit Review Criteria**

- A. **Review Criteria.** The Administrator shall review all tree removal permit applications and may approve the permit, or approve the permit with conditions, provided that the application demonstrates compliance with the criteria below:
1. The proposal complies with RZC [21.72.060030](#), *Tree ~~Protection-ManagementStandards~~*, and RZC [21.72.080040](#), *Tree Replacement*, or has been granted an exceptiona deviation

pursuant to RZC ~~21.72.090100~~, ~~Exceptions~~Deviations.

2. All bonds or other assurance devices required per RZC ~~21.76.090~~.F, *Performance Assurance*, are posted with the City.

**B. Professional Evaluation.** In determining whether a tree removal permit is to be approved, ~~denied~~ 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 of this chapter. Such professional evaluation(s) and services ~~may include~~shall adhere to the Tree Analysis Report Requirements pursuant to RZC Appendix 10.

- ~~1. Providing a written evaluation of the anticipated effects of proposed construction on the viability of trees on a site;~~
- ~~2. Providing a hazardous tree assessment;~~
- ~~3. Developing plans for, supervising, and/or monitoring implementation of any required tree protection or replacement measures; and/or~~
- ~~4. Conducting a post construction inspection and evaluation.~~

**B.C. Conditions of Approval.** The Administrator may specify conditions for work, at any stage of the application or project as ~~he/she deems~~ed necessary to ensure the proposal's compliance with requirements of this ~~division~~section, the Critical Areas regulations, ~~clearing~~Clearing, ~~grading~~Grading, and ~~stormwater~~Stormwater managementManagement 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.

## **21.72.090-100 Exceptions~~Deviations~~**

A. ~~Exceptions~~Deviations **Authorized.** Where exceptional conditions exist that prevent full compliance with RZC ~~21.72.060030~~, *Tree ~~Protection~~ManagementStandards*, and/or RZC ~~21.72.080040~~, *Tree Replacement*, the applicant may request ~~an exception~~a deviation. A request for any ~~exception~~deviation shall be submitted in writing by the property owner ~~or applicant~~ for consideration by the Administrator and shall accompany the application for a permit reviewed under this section. The written request shall fully state all substantiating facts and evidence pertinent to the ~~exception~~deviation request ~~and~~, include supporting maps or plans, and explicitly address the deviation criteria below. The Administrator may also require the recommendation of a certified arborist in reviewing ~~an exception~~a deviation request.

A deviation request is required for each tree requested to be removed below the 35% tree retention threshold and ~~each~~any tree classified as landmark ~~tree~~ requested to be removed. The applicant shall demonstrate in writing how each tree meets the deviation criteria below. Deviations sought in combination with a development application shall be processed concurrent with the development application. Deviations sought for a tree removal permit shall be processed with the tree removal permit.

B. ~~Exception~~Deviation **Criteria.** ~~An exception~~A deviation shall not~~may~~ be granted ~~unless if all the criteria in~~ B.1, B.2, B.3 (if tree is in a NGPE/NGPA), ~~and~~ B.4, and B-5 of this subsection are



satisfied:

1. The ~~exception-deviation~~ is necessary because:
  - a. There are special circumstances related to the size, shape, topography, location, or surroundings of the subject property; or
  - b. Strict compliance with the provisions of this code may jeopardize reasonable use of property; or
  - ~~c. Proposed vegetation removal, replacement, and any mitigating measures proposed are consistent with the purpose and intent of the regulations; or~~
  - ~~d. The granting of the exception or standard reduction will not be detrimental to the public welfare or injurious to other property in the vicinity; or~~
  - e.c. The strict compliance with the provisions of this code would ~~be in~~ conflict with the increased density of urban centers or the Marymoor Design District and result in development that would be inconsistent with the adopted vision for the neighborhood.
2. ~~If an exception is granted below the required minimum retention standard of 35 percent, tree replacement shall be at a minimum of three trees for each significant tree removed. With the exception of developments in the urban centers or Marymoor Design District, the minimum tree preservation standard shall not go below 35% unless it diminishes or results in no reasonable use of the property. Tree replacement ratios may be modified for master plans within urban centers and local centers to allow for 1:1 replacement when accompanied by a three-tier vegetative replacement plan. In the Marymoor Design District, rather than increase the tree replacement ratio, the canopy coverage requirement in RZC 21.72.080.H.3 shall be increased to 20 percent of the site area. When the total number of replacement trees required to meet the canopy requirement is less than the number that would otherwise be required by this paragraph, the applicant shall plant the trees that would otherwise be required on-site or contribute the difference to the tree replacement fund, or a combination of the two.~~
3. Native Growth Protection Area (NGPA) ~~and Native Growth Protection Easement (NGPE).~~ Significant and landmark trees within an established Native Growth Protection Area or Native Growth Protection Easement shall not be removed, except when removal has its specified purpose:
  - ~~a. To remedy a hazardous tree;~~
  - b.a. To establish a nonmotorized trail as part of a private environmental interpretation program or City of Redmond trail system;
  - e.b. To relocate or consolidate existing trails for the purpose of controlling human impacts to vegetation;
  - ~~d. To stabilize slopes;~~
  - e.c. To add or restore native plants;
  - f.d. To control and replace nonnative vegetation;
  - g.e. To restore degraded watercourses or wetlands; or
  - h.f. To implement a City of Redmond long-term restoration or management plan.
4. Granting of the deviation will not be detrimental to the public and the proposed development is in alignment with the adopted Council Strategic Plan, Mayoral Vision, and

Comprehensive Plan.

45. Proposed tree removal, replacement, and any mitigation proposed are consistent with the purpose and intent of this section. This shall be documented in writing by the applicant or landowner.

Tree replacement for projects granted a deviation shall be at a minimum of three trees for each significant tree removed and six trees for each landmark significant tree meeting the classification of landmark tree removed.

**21.72.100-110 Enforcement**

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

- B. **Remediation.** Any person who removes a tree in violation of the conditions of a tree removal permit or in violation of this chapter shall be subject to penalties pursuant to this section and the provisions of Chapter 1.14 RMW, Enforcement and Penalties ~~remedial measures~~. For the purpose of code enforcement, if a tree has been removed and only the stump remains, the size of the tree removed shall be the diameter of the top of the stump. The following provisions shall apply in instances where such remedial measures are required:
1. The applicant shall satisfy the permit provisions as specified in RZC ~~21.72.020060~~, Permits Permitting Approach Required and may be subject to Delinquent Permit Fees consistent with the provisions of RCM 1.14.060.E.
  2. Remedial measures must conform to the purposes and intent of this subsection. In addition, remedial measures must meet the standards specified in RZC ~~21.72.080040~~, Tree Replacement, except that the number of replacement trees for significant trees damaged, destroyed, or removed shall be as follows:

Table 21.72.100A110A Replacement Tree Requirements	
Size of Removed Tree	Number of Replacement Trees Required
<del>6 inches</del>	<del>2</del>
Greater than <del>6 inches</del> to <del>9-ten</del> inches	<del>36</del>
Greater than <del>9ten inches</del> to <del>12-20</del> inches	<del>48</del>
Greater than <del>12-20 inches</del> to <del>16-30</del> inches	<del>510</del>
Greater than <del>16-30 inches</del>	<del>612</del>

Replacement trees shall be replanted with trees as follows:

Table 21.72.100A110B Replacement Tree Size	
Type	Size
Deciduous	<del>3 inches in diameter at breast height (d.b.h.)</del> <u>2-1/2 inch caliper</u>
Evergreen	<del>12-6</del> feet in height

3. Remedial measures must be completed within the time frame specified by the Administrator.
  4. The cost of any remedial measures necessary to correct violation(s) of this chapter shall be borne by the property owner and/or ~~applicant~~ any other person(s) who violates these provisions. Upon the applicant's failure to implement required remedial measures, the Administrator may redeem all or any portion of any security submitted by the applicant to implement such remedial measures, pursuant to the provisions of RZC 21.76.090.F, *Performance Assurance*.
- C. **Penalties.** The Administrator ~~may impose a penalty~~ shall establish a tree value of up to \$3,000 per for each tree for removal of or damage to significant and landmark trees removed or damaged in violation of this chapter. This amount shall be based upon appraised tree value per industry standard trunk formula method in the edition of "Guide for Plant Appraisal" published by the International Society of Arboriculture, or its successor entity, that is current at the time of the violation. The City shall take the average of three separate signed appraised values submitted by arborists on the applicant's behalf. The penalty amount shall be tripled for contractors working on behalf of a property owner and may include but not be limited to tree removal and gridding contractors and arborists. Violations of this chapter shall be enforced through RMC 1.14, *Enforcement and Penalties*.

## **21.72.110-120 Maintenance**

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- A. 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-required bonding period of the project, unless otherwise approved by the Administrator in a subsequent permit. Applicants proposing tree removal and replacement shall post the required bonds per RZC 21.76.090.F.4.
- B. **Cutting and Pruning.**
1. Protected trees shall not be topped. Topping of trees shall be considered tree removal and shall be subject to remediation. This does not include pruning fruit trees to encourage the production of fruit.
  2. Street trees maintained by the City as part of the Street Tree Program shall be cut or pruned only under the supervision of the City ~~of Redmond Parks Department~~. Tree removal permits are required for street trees. All other street trees are governed under Section 21.32.090, *Street Trees* and RMC Chapter 6.12, *Noxious Weed Control and Tree Regulations*.
  3. 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.
  4. Excessive pruning shall not be allowed ~~unless necessary to protect life and property~~ as it often results in new growth that has a weaker connection and is more likely to fail in the future. Excessive pruning resulting in a tree die-off shall be considered tree removal and shall be subject to remediation as described in this section.