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## Chapter 16.14 TREE CANOPY PRESERVATION AND ENHANCEMENT

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**~~16.14.010 Findings.~~**

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The city council makes the following findings:

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

- ~~1. Improve the value of properties;~~
- ~~2. Reduce runoff via canopy interception, uptake of water from the soil and evapotranspiration back into the atmosphere;~~
- ~~3. Reduce runoff which results in less soil erosion and stormwater which aids in protecting surface waters from sedimentation and pollution;~~
- ~~4. Reduce the risk of flooding and infrastructure costs;~~

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

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

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

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

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

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

11 ~~11. Store carbon;~~

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

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

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

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

18 **16.14.020 Purpose and intent.**  
.....

19 The purpose and intent of this chapter is to:

20 A. Implement certain strategies for the management and protection of Lake Forest Park's urban forest  
21 resources described in those goals and policies of the Lake Forest Park community forest management plan  
22 that were accepted by the city council;

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

- 1 C. Mitigate the economic, environmental, and aesthetic consequences of tree loss through protection and tree
- 2 planting on public and private lands;
- 3 D. Provide guidelines to protect trees from adverse impacts during construction;
- 4 E. Encourage project designs that utilize existing trees in the landscape, or allow replacement of select native
- 5 tree species to maintain the forested feel of Lake Forest Park;
- 6 F. To protect private property rights and allow property owners to make reasonable use of their property while
- 7 protecting suitable and appropriate trees for that site; and
- 8 G. Maintain and protect the public health, safety, and general welfare. (Ord. 1015 § 2, 2010)

9 **16.14.030 Definitions.**

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

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

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

- 16 1. Avoidance of physical damage to tree roots, stem, branches, and foliage, including, but not limited to,  
17 topping;
- 18 2. Prevention of soil compaction from equipment operation and placement or storage of construction  
19 materials in the vicinity of the critical root zone (CRZ);
- 20 3. Protection of the critical root zone (CRZ) of saved trees from changes in drainage that impact soil  
21 moisture content;
- 22 4. Protection of existing trees from the impacts of exposure caused by removal of adjacent trees; and
- 23 5. Plant health care practices as published by the International Society of Arboriculture in their series of  
24 best management practices for the various aspects of tree care.

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

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

5 “Canopy coverage” means a measure of the lot area that is covered by the canopies of existing trees and/or  
6 the canopy of the total of existing trees, immature trees, and newly planted trees. The canopy coverage of the  
7 immature trees and newly planted trees is determined using the projected canopy areas in the Lake Forest  
8 Park general tree list.

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

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

14 “DBH” is an acronym for tree diameter at breast height which means the diameter of existing trees measured  
15 4.5 feet above the ground line on the high side of the tree. ~~Multiple stemmed tree diameters shall be~~  
16 ~~determined by equating the canopy coverage of the tree to that of a single stemmed tree. For example, three~~  
17 ~~12-inch DBH stems on a multi-stemmed bigleaf maple tree may have the same canopy coverage as a single-~~  
18 ~~stemmed 20-inch DBH bigleaf maple. Refer to the general tree list maintained by the city.~~ For the purposes of  
19 code enforcement, if a tree has been removed and only the stump remains, the size of the tree shall be the  
20 diameter of the top of the stump adjusted to DBH using published tables or regression curves.

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

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

24 “Development activity” means any activity that requires federal, state, or local approval for the use or  
25 modification of land or its resource, except those defined as “Minor Development Activity”. ~~Development. These~~  
26 activities include, but are not limited to, ~~variances; shoreline substantial development; clearing activity;~~  
27 ~~excavation; embankment; fill and grade works~~ subdivision or short subdivision of lots; converting fallow land or  
28 undeveloped land to agricultural purposes; activity conditionally allowed; building or construction or demolition

1 ~~of single family, multi-family or commercial buildings; and redevelopment of non-conforming structures uses for~~  
2 ~~more than 50% of fair market value as defined in LFPMC 18.66.050; revocable encroachment permits; and~~  
3 ~~septic approval.~~

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

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

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

11 “General tree list” means a list of trees species that is maintained by the city and approved by the city’s  
12 qualified tree professional for planting as replacement and mitigation trees. The general tree list also  
13 establishes which tree species that are prohibited from being planted as replacement and mitigation trees. The  
14 general tree list may also contain additional information that is deemed by the city to be the basis for  
15 determining how many replacement trees may be required to meet the standards of this chapter.

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

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

23 “Landmark tree” means ~~any live~~ tree that is at least 28 inches in diameter (DBH). ~~For multi-stemmed trees, if~~  
24 ~~the three largest stems, when summed, are at least 28 inches in diameter (DBH), the tree shall be considered a~~  
25 ~~landmark tree. For trees with two stems, if the stems, when summed, are at least 28 inches in diameter (DBH),~~  
26 ~~the tree shall be considered a landmark tree.~~

27 “Limits of disturbance” means the boundary between the area of minimum protection around a tree and the  
28 allowable site disturbance as determined by the city’s qualified tree professional.

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

4 “Minor Development Activity” means activities that include, but are not limited to, additions, enlargements, or  
5 alterations to existing structures, and construction of retaining walls, fences, driveways, and garages.

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

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

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

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

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

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

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

22 “Qualified tree professional” is an individual who is a certified professional with academic and field experience  
23 that makes them a recognized expert in urban forestry and tree protection during development. A qualified tree  
24 professional shall be a member of the International Society of Arboriculture (ISA) and/or the Association of  
25 Consulting Arborists and shall have specific experience with urban tree management in the state of  
26 Washington. Additionally the city’s qualified tree professional shall be a certified arborist or board certified  
27 master arborist, as certified by the International Society of Arboriculture, and be ISA Tree Risk Assessment

1 Qualified and have the necessary training and experience to use and apply the appraisal methodology  
2 prescribed in the current edition of the ISA Plant Appraisal Guide.

3 “Significant tree” means any ~~live~~ healthy tree six inches or greater in diameter (DBH). For multi-stemmed trees,  
4 if any one stem is six inches or greater in diameter (DBH), the tree shall be considered a significant tree.

5 ~~“Specimen tree” means a tree of exceptional size, form, or rarity.~~

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

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

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

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

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

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

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

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

3 “Viable (tree)” means a significant tree that a qualified tree professional has determined to be in good health  
4 with a low risk of failure, is relatively windfirm if isolated or exposed, ~~and~~ is a species that is suitable for its  
5 location, and is therefore worthy of long-term retention.

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

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

12 **16.14.040 Tree removal – Application for permits and posting required.**

13 A. Permit Required. No person or their representative, directly or indirectly, shall remove or destroy any  
14 ~~significant~~ tree located within the city without first obtaining a tree permit in accordance with this chapter ~~and~~  
15 Table 4, unless exempted or excepted in LFPMC 16.14.050.

16 **Table 4**

<b>Lot Size and Use Category</b>	<b>Canopy Coverage Goal</b>	<b>Maximum Tree Removal with Arborist Consult Permit a 36-Month Period(1)</b>	<b>Maximum Tree Removal with Administrative Permit a 36-Month Period(2)</b>
Single family lots greater than 15,000 square feet	58%	2 Significant or Landmark Trees	2 Significant Trees
Single family lots 10,000 – 15,000 square feet	39%	2 Significant or Landmark Trees	2 Significant Trees
Single family lots less than 10,000 square feet	28%	2 Significant or Landmark Trees	2 Significant Trees
Multifamily lots	15%	1 Significant or Landmark Tree	1 Significant Tree



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

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

3 1. ~~Administrative Review Permits not Requiring Arborist Review. Permit.~~ Tree removal may be  
4 ~~authorized by an administrative review permit for~~ removal of no more than two or fewer significant trees  
5 ~~within any 36-month period~~ may be authorized ~~after administrative review,~~ unless the  
6 trees are located in an environmentally sensitive area or sensitive area buffer, or if Development Activity  
7 has occurred within the past five years. ~~otherwise authorized by an arborist consult permit.~~ The  
8 administrator may require that the proposed tree removal be reviewed by the city's qualified tree  
9 professionals as an arborist consult permit if the administrator determines that the removal could result in  
10 a threat to persons or damage of property, or if the tree removal may result in the property dropping  
11 below its canopy coverage goal as defined in Table 1.

12 2. ~~Arborist Consult Permit.~~ Tree removal may be authorized by an arborist consult permit when proposed  
13 ~~development activity will occur within the dripline or critical root zone of no more than two significant or two~~  
14 ~~landmark trees.~~

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

1 ~~C. Administrative review, arborist consult and arborist review permits expire 180 days after the date the~~  
2 ~~permit is issued.~~

3 ~~D. Permit Denial. If the administrator or the city's qualified tree professional determines that a proposed~~  
4 ~~tree removal is substantially likely to result in injury or damage to persons or property, or will reduce the~~  
5 ~~tree canopy on the subject property below the applicable canopy coverage goal, the city may deny the~~  
6 ~~permit, or require tree replacement to achieve canopy coverage for that lot in accordance with~~  
7 ~~LFPMC 16.14.080.~~

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

10 a. When one or more landmark trees is proposed for removal.

11 b. When three or more significant trees are proposed for removal within any 36-month period.

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

14 d. When any development activity or minor development activity is proposed, unless  
15 exempted in LFPMC 16.14.050

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

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

19 C. Tree removal permits expire one year (365 days) after the date the permit is issued, unless the administrator  
20 and city's qualified tree professional have approved a five-year forest management plan, in which case the  
21 permit shall expire five years after the date the permit is issued. The administrator may grant an extension of up  
22 to six months if the applicant provides a written request prior to expiration.

23 ~~DE. Permit Application and Posting Requirements.~~

24  
25 1. 4-Notice of Application. For ~~tree~~administrative and arborist consult permits not requiring arborist  
26 review, the nNotice of application shall be posted on-site, in a place where it can be read -from the

1 ~~nearest public street, for two calendar days prior to tree removal activity. If the property is located on~~  
2 ~~a private street, notices shall be posted on-site, in a place where it can be read from the private street,~~  
3 ~~as well in a place where it can be read from the nearest public street.~~~~permit approval.~~

4 a. ~~For permits not requiring arborist review, the notice of application shall be posted for a~~  
5 ~~minimum of two business days prior to permit decision, and shall remain posted until a~~  
6 ~~decision is issued. In order for the notice of application to be posted for an administrative~~  
7 ~~review permit, the applicant must sign and attest that no Llandmark Ttrees (over 28 inches~~  
8 ~~in diameter) are being removed.~~

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

12 ~~2. For tree permits requiring arborist review permits, the notice of application shall be posted on-site, in~~  
13 ~~a place where it can be read from the nearest public street, for at least 14 days as required by~~  
14 ~~Chapter 16.26 LPMC prior to permit approval. If the property is located on a private street, notices~~  
15 ~~shall be posted on-site, in a place where it can be read from the private street, as well as in a place~~  
16 ~~where it can be read from the nearest public street.~~

17 ~~2. Notice of Decision. 43. Tree removal may commence immediately upon posting of an approved tree~~  
18 ~~permit on the subject site in the same manner described in LPMC 16.14.040(D)(1), in a place where~~  
19 ~~it can be read from the nearest public street at a conspicuous location. If the property is located on a~~  
20 ~~private street, the permit shall be posted on-site, in a place where it can be read from the private~~  
21 ~~street, as well as in a place where it can be read from the nearest public street. The tree permit shall~~  
22 ~~remain posted at least one week (7 calendar days) after the approved activity has been completed.~~

23  
24 ~~5.~~

25 a. ~~For tree permits associated with a Five-Year Forest Management Plan, the permit must be~~  
26 ~~posted on the subject site in a place where it can be read from the nearest public street each~~  
27 ~~time tree removal occurs, and at least one week (7 calendar days) after the approved activity~~  
28 ~~has been completed. If the property is located on a private street, the permit shall be posted~~  
29 ~~on-site, in a place where it can be read from the private street, as well as in a place where it~~  
30 ~~can be read from the nearest public street.~~

1 ~~EF.~~ Appeals. Appeals of ~~administrative determination~~tree permit decisions shall follow Chapter 2.39 LFPMC.  
2 (Ord. 1015 § 2, 2010)

3

4 **16.14.050 Exemptions Tree Removal Criteria.**

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

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

8 ~~A. Emergency actions necessary to remedy an immediate threat to people or property, or public health, safety~~  
9 ~~or welfare by a hazard tree. Any person undertaking such action shall notify the planning director within one~~  
10 ~~working day following commencement of the emergency action and shall apply to the planning director for~~  
11 ~~review of the work performed.~~

12 ~~B. Trees may be removed by the city, or electric or other utilities for the normal course of maintenance of the~~  
13 ~~utilities, street lights, sidewalks, signage or public rights-of-way, or for situations involving immediate danger to~~  
14 ~~life or property, including impeding safe traffic vision or flow, or interruption of services provided by the utility.~~  
15 ~~To be exempt for maintenance-related tree removal, a utility must have an approved right-of-way permit.~~

16 B. Exceptions. The following exceptions apply to the requirements of this chapter:

17 1. Emergency actions necessary to remedy an immediate threat to people or property, or public health,  
18 safety or welfare by a high-risk or extreme-risk tree may be undertaken prior to permit application. Any  
19 person undertaking such an action shall:

20 a. Notify the planning director within one working day following commencement of the  
21 emergency action.

22 b. Apply for a tree removal permit within one week of the emergency action.

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

25 2. The city, or electric or other utilities may remove trees without a permit for the normal course of  
26 maintenance of the utilities, street lights, sidewalks, signage or public rights-of-way. A utility must have

1 an approved right-of-way permit. Agencies receiving this exception must follow the tree maintenance  
2 standards set forth in LFPMC 16.14.100, including the prohibition on topping trees.

3 3. The removal of Dead Trees does not require a permit, provided that the person undertaking such an  
4 action obtains administrator approval prior to removal. Dead trees located in steep slope or landslide  
5 hazard areas and their buffers should be kept as Wildlife Habitat Trees, or, at minimum, stumps shall  
6 be left in the ground unless approved by a qualified geologist or geotechnical engineer. Notice of  
7 exception shall be posted on site in the same manner prescribed in 16.14.040(D)(24).

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

13 5. Minor development activity that does not occur within the dripline of any significant or landmark tree  
14 does not require a tree permit, provided that the person undertaking such an action shall demonstrate  
15 this fact prior to approval of the minor development activity. Notice of exception shall be posted on site  
16 in the same manner prescribed in 16.14.040(D)(24).

17 C. Environmentally Sensitive Areas. Removal of trees in environmentally sensitive areas and their buffers is  
18 prohibited, except that permits may be issued in the following circumstances:

19 1. When the City's Qualified Tree Professional determines that the trees proposed for removal are  
20 medium-, high-, or extreme-risk. In steep slope and landslide hazard areas and their buffers, a  
21 licensed geologist or geotechnical engineer shall certify that the tree can be safely removed or the  
22 proposal designed so the landslide hazard risk to the property or adjacent property is eliminated or  
23 mitigated.

24 2. When trees proposed for removal are Nuisance Trees in sensitive area buffers. In steep slope and  
25 landslide hazard area buffers, a qualified geotech shall be consulted prior to permit issuance to  
26 determine if tree removal will create a hazardous condition.

27 3. When trees proposed for removal are invasive trees, as defined in LFPMC 16.14.050(B)(4), in  
28 wetlands, wetland buffers, or stream buffers.

1 4. When trees proposed for removal are part of an approved enhancement plan as described in  
2 LFPMC 16.16.230(B).

3 5. When trees proposed for removal are part of an approved reasonable economic use request as  
4 described in LFPMC 16.16.250.

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

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

10 F. 5-Year Development Activity Restriction. Removal of Viable Significant Trees is prohibited on properties that  
11 have undergone Development Activity within the last five years and for which no new Development Activity or  
12 Minor Development Activity is proposed.

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

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

16 ~~D. Sensitive Areas and Sensitive Area Buffers. A tree located within a sensitive area or a sensitive area buffer~~  
17 ~~shall only be removed in accordance with Chapter 16.16 LFPMC. (Ord. 1015 § 2, 2010)~~

18 ~~**16.14.060 Qualified tree professional.**~~  
.....

19 ~~A. The city shall contract with one or more professionals that qualify as a qualified tree professional under the~~  
20 ~~definition of this chapter. Said professional or professionals shall be responsible for providing the information~~  
21 ~~and services required of the city's qualified tree professional described herein.~~

22 ~~B. Individual applicants will be responsible for payment of the costs and fees of the city's qualified tree~~  
23 ~~professional for projects necessitating work to be performed by the city's qualified tree professional with the~~  
24 ~~exception of administrative review permits and in cases where a project is determined to be exempt. (Ord. 1015~~  
25 ~~§ 2, 2010)~~

1 **16.14.070 Standards for permit approvalTree plan required.**

2 An applicant for a tree removal permit must submit a tree plan that complies with this section prior to permit  
3 issuance. This tree plan (and replacement plan if required by the provisions below or by LFPMC 16.14.080)  
4 shall be reviewed and approved by the administrator and, in cases which require arborist review, by the eCity's  
5 Qualifiedqualified Ttree pProfessional. ~~The city's qualified tree professional may consider previous tree removal~~  
6 ~~activity in the vicinity of the proposed tree removal in determining if the proposed action could result in a threat~~  
7 ~~to persons or potential damage to property.~~

8  
9 A. Tree Removals and Canopy Assessment. ~~A tree removal and replacement Administrative Review Permit. An~~  
10 ~~administrative review permit not associated with development activity or minor development activityshall be~~  
11 ~~approved based on the following:~~

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

13 a. ~~The locations of tree(s) to be removed;~~

14 b. ~~Nearby structures;~~

15 c. ~~Locations of other significant trees surrounding the tree(s) to be removed;~~

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

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

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

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

22 a. The locations of tree(s) to be removed;

23 b. Nearby structures and streets;

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

1 d. Locations of environmentally sensitive areas or buffers.;

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

3 d. A description of proposed activity within the dripline of surrounding significant trees to remain.

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

7 43. If tree replacement is necessary, then a tree replacement plan showing the location(s) and species  
8 of the new tree(s) shall be submitted ~~with the permit application~~prior to permit issuance.

9 5. In environmentally sensitive areas and sensitive area buffers, the Planning Director may require  
10 review by a qualified geotech, wetland biologist, wildlife biologist, or other qualified professional if the  
11 proposed removal is substantially likely to cause damage to the sensitive area or buffer. Permits may be  
12 conditioned based on the recommendations of these qualified professionals.

13  
14 BG. Tree Removal and Canopy Assessment related to Development Activity or Minor Development

15 Activity.~~Arborist Review Permit.~~ The tree assessment for the tree protection plan should be prepared as early in  
16 the project design process as possible to improve the applicant's ability to incorporate existing Viable ~~T~~rees  
17 into the project and to provide adequate protection. Tree removal applications associated with Development  
18 Activity or Minor Development Activity~~An arborist review permit~~ shall at a minimum include the following  
19 information:

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

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

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



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

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

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

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

10 a. Attendance of the city's qualified tree professional at the pre-job conference to discuss tree  
11 protection activity.

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

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

14 d. Removal of fences at end of construction.

15 e. Final inspection of protected trees by city's qualified tree professional.

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

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

22 ~~1040~~. The administrator may specify conditions for work, at any stage of the application or project, as is  
23 deemed necessary to ensure the proposal's compliance with requirements of this section, as well as the  
24 sensitive areas regulations, clearing, grading, and stormwater management regulations, or to protect  
25 public or private property. These conditions may include, but are not limited to, recommendation of  
26 specific work methods.

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

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

6 criteria C. Tree Removal and Canopy Assessment in Association with a Five-Year Forest Management Plan.

7 The administrator and City's Qualified Tree Professional may approve a five-year tree removal and  
8 replacement permit based on the following:

9 1. The completed permit application.

10 2. A tree inventory and assessment report prepared by a qualified tree professional. Information on tree  
11 species, diameter at breast height (DBH), condition (health), location, and the minimum required critical  
12 root zone (CRZ) should be collected.

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

14 4. The applicant shall be required to replace the removed significant tree(s) according to the standards  
15 set forth in LFPMC 16.14.080.

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

18 6. The City's Qualified Tree Professional shall undertake annual site visits [at the expense of the](#)  
19 [applicant](#) and submit annual progress reports to the planning director for the five years that the permit is  
20 [valid. Changes to the original plan may only be made with approval of both the administrator and the](#)  
21 [City's Qualified Tree Professional.](#)

22 ~~D. Replacement tree species shall be selected from the Lake Forest Park general tree list, which is maintained~~  
23 ~~by the city. Only trees on the list can be used as replacement trees unless other tree types are approved by the~~  
24 ~~city's qualified tree professional. A list of invasive species and nuisance species of trees shall be maintained by~~  
25 ~~the city. Invasive and nuisance trees shall not be planted as replacement trees.~~

26 ~~E. All removal tree permits issued as part of a subdivision or short subdivision shall have a condition on the~~  
27 ~~face of the subdivision or short subdivision plat stating that minimum canopy must be achieved and maintained~~

1 ~~on each lot. For tree permits associated with any other new development proposals, including new residential~~  
2 ~~or commercial development, variance requests, conditional use permits and reasonable use exceptions, a~~  
3 ~~notice on title in the form required by LFPMC 16.16.190 shall be recorded by the permittee disclosing the tree~~  
4 ~~permit and associated tree retention conditions required by this subsection. (Ord. 1015 § 2, 2010)~~

5 **16.14.080 Tree retention and replacement standards.**

---

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

9 A. The minimum standard for tree retention is determined by tree canopy coverage goal for the lot sizes and  
10 land use types set forth in Table [12](#) below. Tree canopy coverage is measured by the percentage of canopy  
11 provided by existing trees or the projected canopy coverage to be provided by newly planted or immature trees  
12 (when such trees reach 30 years of age).

13  
14 **Table [12](#)**

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

	<b>Canopy Coverage Goal</b>
<u>Southern Gateway Corridor</u>	<u>5%</u>

1

2 B. Canopy coverage shall be defined by the city's qualified tree professional for all permits requiring arborist  
 3 review. For permits not requiring arborist review, the administrator may waive replacement requirements only  
 4 when he or she can determine that the remaining canopy after removal will exceed the canopy coverage goal  
 5 by at least ten percent.

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

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

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

17 C. Tree Replacement Requirements.

18 1. For all permits requiring arborist review, the number of required replacement trees is determined by  
 19 the number of trees that will, within thirty years, achieve tree canopy coverage equal to or greater than  
 20 the minimum canopy coverage required by Table 1 above for the type of lot.

21 2. For permits not requiring arborist review, one tree shall be replaced for each tree removed, except as  
 22 stated in (B) above. [PD11]

23 3. The replacement tree species shall be selected from the approved general tree list for the city of Lake  
 24 Forest Park which is maintained by the city. Trees listed as noxious or invasive species by King County,

1 or prohibited in the general tree list are not acceptable for replacement or mitigation trees. In  
2 environmentally sensitive areas or their buffers, replacement trees must be native trees or acceptable  
3 substitutes, as defined by the general tree list. Any substitution of trees that are not on the general tree  
4 list, and any alternative methods of replacement, must be approved by the City's Qualified Tree  
5 Professional.

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

10 52. Where the lot on which tree removal occurs is below the canopy coverage goal shown in Table 1  
11 prior to tree removal, the person removing the tree shall obtain administrator approval of and implement  
12 a tree replacement plan that brings canopy coverage to the percentage that existed prior to the proposed  
13 tree removal (when the replacement trees reach 30 years of age).

14 63. A person obtaining a tree removal permit associated with Development Activity or a Five-Year Forest  
15 Management Plan shall submit a tree replacement plan, which must be approved by the Administrator  
16 and City's Qualified Tree Professional, and implemented in order to achieve the applicable minimum  
17 canopy coverage specified in Table 1 above (when the replacement trees reach 30 years of age).

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

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

23 69. The minimum size of replacement trees should be:

24 a. Deciduous trees, two inches caliper.

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

26 107. All trees must be containerized or balled and burlap stock and be planted according to industry  
27 standards.

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

3 129. A maintenance bond of 125 percent of the projected cost of tree replacement is required for  
4 required tree replacement on all Development Activity projects, unless a fee in lieu is paid into the City  
5 Tree Account. This bond will be maintained for 60 months after planting of the new trees.

6 130. The applicant is required to provide watering until replacement trees are independently viable.  
7 Replacement trees that die prior to meeting the definition of significant tree must be replaced by a  
8 replacement tree meeting the criteria of this section and any canopy coverage goal requirements that the  
9 expired tree was intended to provide.

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

16 1. Criteria. A tree tract shall meet the following criteria for approval:

17 a. The tree tract shall equal five percent of the gross project area.

18 b. A 15-foot setback shall be maintained from the edge of the tree tract and any structures.

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

21 d. The tract shall not overlap with a sensitive area tract.

22 2. Fee in Lieu. The administrator may waive all or a portion of the tree tract requirement, provided that  
23 the applicant pay an amount into the City Tree Account equal to the valuation of potential benefits  
24 that the trees in canopy coverage that tract or portion of tract would have provided, as determined by  
25 the City's Qualified Tree Professional.

1 E. All subdivisions or short subdivisions receiving tree permits shall have a condition on the face of the  
2 subdivision or short subdivision plat stating that minimum canopy must be achieved and maintained on each  
3 lot.

4 F. For tree permits associated with any Development Activity, a notice on title in the form required by  
5 LFPMC 16.16.190 shall be recorded by the permittee disclosing the tree permit and associated tree retention  
6 conditions required by this subsection. (Ord. 1015 § 2, 2010)

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

9 1. Existing healthy-Landmark trees in groups or stands; ;

10 2. Exceptional trees or other high-quality open-grown, windfirm trees;

11 3. Landmark trees; Specimen trees or other high quality open-grown, windfirm trees;

12 4. Trees in critical-sensitive area buffers, or adjacent to critical-sensitive area buffers:

13 5. Trees that are interdependent with and therefore critical to the integrity of stands of other protected  
14 trees;

15 b6. Other individual trees that will be windfirm, high quality trees if retained-Existing healthy trees in  
16 groups or stands;

17 7e. -Other individual trees that will be windfirm, high quality trees if retained;

18 d.-Other trees that provide wildlife or riparian habitat, screening, buffering or other amenities;

19 8. e.-Trees that help to protect neighbors' trees from windthrow, or other trees within required yard  
20 setbacks or on the perimeter;

21 9f. Trees next to parks or other open space areas.

22 HD. The administrator may require an applicant to implement other measures designed to mitigate the loss of  
23 trees, such as requiring the restoration of all or parts of the forest landscape and its associated benefits,  
24 including but not limited to:

25 1. Creation of wildlife habitat treesnags from trees which would otherwise be removed;

- 1 2. Replacement of ornamental trees with native shrubs and groundcover;
- 2 3. Replacement of high-risk~~hazardous~~ or short-lived trees with healthy new trees more likely to survive;
- 3 4. Restoration of stream corridors with native vegetation; or
- 4 5. Protection of nonsignificant trees to provide for the successional stages of forest development.

5 I.E. Measurement of Canopy Coverage.

6 1. Existing Open-Grown Trees.

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

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

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

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

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

19 J.F. Incentives for Higher Levels of Tree Retention for ~~New-Development~~Development Activity and Minor  
20 Development Activity. The administrator may grant reductions or adjustments to other site development  
21 standards if doing so will allow retention of a sufficient number of existing, healthy significant trees and tree  
22 canopy coverage in excess of the goal required by Table 12 above. On a case-by-case review, the  
23 administrator shall determine the balance between tree protection that exceeds the established minimum  
24 percentage and variations to site development requirements. Authorized adjustments include:

- 25 1. Reductions or variations of the area or width of required open space, tree tract requirement, and/or  
26 landscaping;



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

2 3. Reduction in the width of certain easements.[PD12]

3 ~~G. Tree Replacement Requirements. For lots under the canopy coverage goal that propose tree removal~~  
4 ~~activity requiring an arborist review permit, native conifers shall comprise at least 30 percent of the replacement~~  
5 ~~trees. The number of required replacement trees is determined by the number of trees that will, at age 30,~~  
6 ~~achieve tree canopy coverage equal to or greater than the minimum canopy coverage required by Table 2~~  
7 ~~above for the type of lot. The replacement tree species shall be selected from the approved general tree list for~~  
8 ~~the city of Lake Forest Park which is maintained by the city. Trees listed as prohibited in the general tree list are~~  
9 ~~not acceptable for replacement or mitigation trees. Any substitutions of trees that are not on the list or~~  
10 ~~alternative methods of replacement must be approved by the city's qualified tree professional.~~

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

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

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

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

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

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

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

25 KH. On-Site Replacement. Replacement trees shall be planted on the site from which significant trees are  
26 removed. The administrator may waive the on-site tree replacement requirement; provided, that the applicant  
27 pays an amount determined by a qualified tree professional into the city tree account that is equivalent to the

1 total cost for purchase and installation of each replacement tree and three years of maintenance for each  
2 replacement tree. (Ord. 1015 § 2, 2010)

3  
4 L. Replacement Exceptions. Tree removals are exempt from replacement requirements when either of the  
5 following conditions are met:

6 1. The City's Qualified Tree Professional determines that the trees will be dead within the assessment  
7 period, typically three to five years from the date of the assessment.

8 2. Trees are removed in order to gain access for solar panels or other alternative energies, as  
9 approved by the Planning Director. The following are required to receive this exception:

10 a. A site plan demonstrating that any trees proposed this exception would impede the function  
11 of the panels or other alternative energy source.

12 b. A contract for installation of the system, or receipt for purchase of the system.

13  
14  
15 **16.14.090 Tree protection and design measures.**  
-----

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

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

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

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

23 4. Tree protective fencing shall be a minimum of four feet high, constructed of chain link or polyethylene  
24 laminar safety fencing or similar material, subject to approval by the city. The fence must be constructed

1 on steel posts with a minimum spacing of eight feet on center. "Tree Protection Area – Keep Out" signs  
2 shall be posted visibly on all sides of the fenced areas.

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

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

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

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

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

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

23 2. Sidewalks, driveways, structures and utilities may be located within the dripline or critical root zone  
24 (CRZ) of a protected tree; provided, that construction methods and materials used will result in minimal  
25 disruption of the tree's roots, and that tree protection measures are proposed and approved by the city's  
26 qualified tree professional.

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

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

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

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

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

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

15 **16.14.100 Tree maintenance.**

---

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

21 B. Pruning.

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

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

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

1

2 **16.14.110 City tree account.**

---

3 A. The city council shall establish in the budget ordinance a city tree account in the general fund.

4 B. The city shall credit to the city tree account:

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

6 2. Other monies allocated by the city council.

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

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

9 2. Planting and maintaining trees within the city; or

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

11 **16.14.120 Enforcement.**

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12 A. Violations. Violations of this chapter may be addressed by the administrator pursuant to the provisions set  
13 forth below. As an additional or alternative remedy and/or penalty, the administrator may also enforce the  
14 provisions of this chapter using the procedures set forth in Chapter [18.71](#) LFPMC.

15 1. Removal of existing trees in violation of this chapter will require an appraisal of the tree value by the  
16 qualified tree professional using the current edition of the International Society of Arboriculture's Guide  
17 for Plant Appraisal. The cost of the appraisal shall be paid by the person(s) who removed existing trees  
18 in violation of this chapter.

19 2. Tree replacement to the value of the appraised value of removed trees is required.

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

22 B. Increased Permit Fees. In addition to or in place of any other remedy or penalty authorized by this code, the  
23 administrator may charge a fee equivalent to triple the fee ~~determined for associated with~~ an ~~after-the-~~  
24 ~~factor~~ ~~arborist consult~~ permit to any person who conducts unpermitted activity requiring ~~a tree removal~~ ~~an~~

1 ~~administrative, arborist consult or arborist review~~ permit, or who fails to provide sufficient evidence that such  
2 activity met the requirements of LFPMC [16.14.050](#), Exemptions and Exceptions.

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

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

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

17 E. Penalties. The administrator may, in addition to the replacement tree requirement, impose a penalty of up to  
18 \$5,000 per tree for removal of or damage to significant trees in violation of this chapter. This penalty may be  
19 imposed in addition to or in lieu of any penalty imposed pursuant to the procedures of Chapter [18.71](#) LFPMC. A  
20 person may obtain administrative review of a penalty imposed under this subsection in accordance with the  
21 provisions of LFPMC [18.71.070](#). (Ord. 1015 § 2, 2010)

### 22 **16.14.130 Requirements for tree services and others doing land clearing and tree** 23 **removal.**

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

1 requirements. This statement shall be required in addition to the city business licensing requirements set forth  
2 in Chapter [5.02](#) LFPMC and applicable to persons performing work in the city of Lake Forest Park. The required  
3 statement shall be in substantially the following form:

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

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

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

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

27 **16.14.140 Liability.**  
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28 A. Liability for any adverse impacts, damages or injury resulting from work performed in accordance with any  
29 permit issued by the city under LFPMC [16.14.040](#)(B) shall be the sole responsibility of the permit applicant  
30 and/or owner of the property or site for which the permit was issued, and shall not be the responsibility of the

1 city of Lake Forest Park. Issuance by the city of any permit under this chapter shall not be construed as an  
2 assumption of any risk or liability by the city of Lake Forest Park, nor as a warranty or guarantee that the work  
3 authorized by the permit will have no adverse impact or will cause no damages or injury to any person or  
4 property.

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

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

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

16 **16.14.150 Qualified tree professional.**

17 A. The city shall contract with one or more professionals that qualify as a qualified tree professional under the  
18 definition of this chapter. Said professional or professionals shall be responsible for providing the information  
19 and services required of the city's qualified tree professional described herein.

20 B. Individual applicants will be responsible for payment of the costs and fees of the city's qualified tree  
21 professional for projects necessitating work to be performed by the city's qualified tree professional with the  
22 exception of permits requiring administrative review only, and in cases where a project is determined to be  
23 exempt. (Ord. 1015 § 2, 2010)[PD13]

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