

LFPMC 16.14.100 E.

Conditions of approval shall be subject to the approval criteria in LFPMC 16.14.070 (D), to the extent feasible.

Findings: The recommended conditions within this report specify that the applicant must obtain a tree permit to perform all tree removal and re-plantings associated with the project, in addition to all other tree related conditions.

Conclusions: The conditions imposed for obtaining tree permits will be structured by the content in LFPMC 16.14.070 (D), and staff's review of the re-planting scheme will ensure compliance with the applicable portions of that ordinance. As conditioned, this criterion has been satisfied.

LFPMC 16.14.070 D.

1. When the proposed tree removal is not associated with major development activity, trees may be removed if a tree replacement plan is approved that, at a minimum, does the lesser of the following:

a. Maintains the canopy coverage at or above the applicable canopy coverage goal;
or

Findings: This proposal involves Major Development Activity.

Conclusions: This criterion does not apply.

b. Maintains canopy coverage at or above the percentage existing prior to tree removal.

Findings: This proposal involves Major Development Activity.

Conclusions: This criterion does not apply.

2. When the proposed tree removal is associated with major development activity, the trees may be removed if a tree replacement plan is approved that, at a minimum, brings canopy coverage to the applicable canopy coverage goal.

Findings: This proposal meets the definition of LFPMC 16.14.030 (Major Development Activity), and is addressed in recommended condition 8. The recommended conditions suggest recovering three times the canopy amount lost by the removal of tree #10.

Conclusions: This criterion is addressed in recommended condition #8.

3. *Development proposals associated with a tree permit shall:*

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

Findings: Existing trees #1, #2, #3, #4, #6, #11, and #12 are proposed for retention. Tree protection measures are included in recommended condition 3.

Conclusions: This criterion has been satisfied to the extent feasible.

b. Demonstrate the following prioritized factors for retention:

i. Existing viable trees in groups or stands;

Findings: Existing trees that are being retained are roughly grouped (in the north and south ends of the property). Tree protection measures are included in recommended condition 3.

Conclusions: This criterion has been satisfied.

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

Findings: Tree #6 is being retained. Tree protection measures are included in recommended condition 3, which address the industry standard for protection of tree #6.

Conclusions: This criterion has been satisfied to the extent feasible.

iii. Landmark trees

Findings: There are no landmark trees proposed for retention.

Conclusions: This criterion is not applicable.

iv. Trees in critical area buffers, or adjacent to critical area buffers;

Findings: There are no critical areas on-site

Conclusions: This criterion is not applicable.

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

Findings: There are no known interdependency issues with the trees on-site.

Conclusions: This criterion is not applicable.

vi. Other individual trees that will be windfirm, high quality trees if retained;

Findings: Other than trees #7-10, all other trees are planned to be retained with this project.

Conclusions: This criterion has been satisfied.

vii. Other trees that provide wildlife or riparian habitat, screening, buffering or other amenities;

Findings: No trees are known to currently provide for wildlife habitat on this project site. It was once thought that tree #10 was the home of an osprey, but WDFW has confirmed that this is currently not the case.

Conclusions: This criterion has been satisfied.

viii. Trees that help to protect neighbors' trees from windthrow, or other trees within required yard setbacks or on the perimeter; and

Findings: Tree #10 is located within the eastern side yard setback, directly adjacent to the neighboring lot. This tree is being recommended for removal, because is not likely to survive if retained due to the impact construction would have on the ICRZ.

Conclusions: This criterion has been satisfied.

ix. Trees next to parks or other open space areas.

Findings: There are no parks or open spaces near this site.

Conclusions: This criterion is not applicable.

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

Findings: All trees, except trees #7-10, are planned to be retained for this project, and a re-planting plan is recommended as a condition of this proposal

Conclusions: Condition #8 of the recommendation could be modified by requiring re-plantings to be done in groups/spacing; to allow for a forested and mature look, during the re-planting phase. If recommended condition #8 was modified, this criterion could be satisfied.

d. Consider tree protection opportunities in the design and location of building footprints, parking areas, roadways, utility corridors and other structures.

Findings: This is addressed by recommended condition 3.

Conclusions: This criterion has been satisfied.

e. Provide grading plans that accommodate existing trees and avoid alteration to grades around existing significant trees.

Findings: Tree protection measures in condition 3 will be exercised for the existing trees, and minimal excavation is suggested as a condition during construction (see conditions #1 and 2).

Conclusions: Installation of infrastructure for the project will occur with special consideration to exceptional tree root zones, and protection of these areas will be ensured through a number of construction level, and financial security measures. This criterion has been satisfied.

4. Conditions necessary to safeguard trees identified for protection.

Findings: This is addressed in all recommended conditions.

Conclusions: This criterion has been satisfied.

5. A notice on title, in the form required by LFPMC 16.16.190, shall be recorded by the applicant disclosing the permit and associated tree retention conditions as required by this chapter. A notice on title is required for all major permits associated with major development activity, and for major permits which would cause the property's canopy coverage to fall below the canopy coverage goal.

Findings: The proposed project qualifies as Major Development.

Conclusions: Staff recommends that this be included as a condition of the Hearing Examiner's decision. If conditioned to require notice on title, this criterion will be satisfied.

6. Conditions required by the city's qualified arborist to safeguard at-risk trees throughout the development process.

Findings: Recommended condition #3, which specifies that a qualified arborist be on-site to monitor construction activity while work is occurring near the ICRZ, addresses this issue.

Conclusions: This criterion has been satisfied.

7. Conditions that require sidewalks, structures, utilities, and roadways to be set back at least five feet from the CRZ, except where such structure is cantilevered or otherwise raised above the ground's surface so as not to disrupt the tree's roots, and the proposed construction is not likely to result in conflicts between the tree and the sidewalk, driveway, structure, or utility that would necessitate the tree's removal during its normal lifespan.

Findings: The Interior Critical Root Zones (ICRZ) of tree #6, and #10 preclude vehicular and utility access to the project site.

Conclusions: Strict imposition of this is not feasible. It would deny reasonable economic use of the property. Staff has recommended conditions that would preserve the most exceptional of the trees, and has recommended measures that would have

reduce the amount of impact to the trees on-site. As conditioned, the proposal would have the least impact to trees on-site.

8. Conditions to allow trenching, construction, or an alteration of grades between the five-foot setback from the critical root zone (CRZ) and the interior critical root zone (ICRZ) of a protected tree; provided, that the tree protection plan approved by the city's qualified arborist demonstrates that the proposed activity will not adversely affect the long-term viability of the tree.

Findings: Recommended conditions #1 and #2 address minimizing the amount of excavation on-site, and minimize impact to the ICRZ.

Conclusions: As conditioned, this criterion has been satisfied.