



**CITY OF EDGEWOOD
COUNCIL STUDY SESSION AGENDA**

Tuesday, May 20, 2025 – 7:00 PM ♦ City Hall – 2224 104th Avenue East ♦ Edgewood, WA
Meeting Link: <https://cityofedgewood-org.zoom.us/j/86916509308>

1. CALL TO ORDER

Roll Call, Pledge of Allegiance

2. Q & A

A. Cub Scouts

3. COUNCIL BUSINESS

A. Equity, Diversity, and Inclusion Council Sub-Committee Update

B. AWC Annual Meeting Delegates

C. Economic Development Advisory Board (EDAB) Updates

D. Hazardous Vegetation and Tree Preservation Code Amendments

4. OTHER COUNCIL ITEMS

5. ADJOURN

Study Sessions are meetings for Council to review upcoming and pertinent business of the City, no action is taken by the City Council. Study Sessions are open to the public, but public input is reserved for the regular Council meetings



City Of Edgewood Council Agenda Summary Sheet

Subject: Equity, Diversity, and Inclusion Council Sub-Committee Update	Agenda Item #: 3.A
	For Agenda of: 5/20/2025
	Prepared by: Jill Schwerzler-Herrera
Attachments (list):	
Approval of Materials: Jill Schwerzler-Herrera Rachel Pitzel, Assistant City Administrator 5/13/2025 Dave Olson, Mayor 5/13/2025	Expenditure Required:
	Amount Budgeted:
	Timeline: Topic to be added to all future Study Sessions (see item history below)

Summary Statement:

Item History:

The council has asked that this topic be discussed at all study sessions for the foreseeable future. As such, this has been a reoccurring agenda item since September of 2020.

Recommended Action:

N/A

Fiscal Note/Consideration:

N/A



City Of Edgewood Council Agenda Summary Sheet

Subject: Economic Development Advisory Board (EDAB) Updates	Agenda Item #: 3.C
	For Agenda of: 5/20/2025
	Prepared by: Jeremy Metzler
Attachments (list): 1. SIGNED EDAB Recommendation - TIFs	
Approval of Materials: Jeremy Metzler Rachel Pitzel, Assistant City Administrator 5/15/2025 Dave Olson, Mayor 5/15/2025	Expenditure Required: N/A
	Amount Budgeted: N/A
	Timeline: Monthly Report to Council, 2nd Study Session

Summary Statement: The EDAB last met on May 5, 2025, and the materials and recording can be found here: <https://edgewoodwa.portal.civicclerk.com/event/1080/overview>. The board continued their review of the proposed land use table updates, again focusing on the uses and activities that may have an economic impact for the city, and they formally made their recommendation to the Planning Commission. The next topic was Transportation Impact Fees, again focusing on possible economic development strategies, and they formally made their recommendation to the City Council (attached). In summary, the EDAB recommends exempting several non-residential land uses from Transportation Impact Fees, and staff is preparing to bring this forward for the Council's consideration with other Impact Fee code updates next month. The EDAB was also briefed on sales tax revenues through the end of 2024, project proposals in the Town Center and Meridian Corridor, and expiring EDAB terms and the application / appointment process. The next meeting is scheduled for Monday, June 2, 2025, and the tentative topics include:

- Discussion - Food Trucks / Mobile Food Vendors
- Discussion - Land Uses / Interim Zoning Ordinance 25-0676
- Standing Item - Current Permits / Proposals

Item History:

This is a reoccurring agenda item every second study session of the month.

Recommended Action:

Hold a discussion regarding Economic Development Advisory Board (EDAB) Updates

Fiscal Note/Consideration:

N/A



CITY OF EDGEWOOD
ECONOMIC DEVELOPMENT ADVISORY BOARD
RECOMMENDATION

The Economic Development Advisory Board voted 4-0 to recommend that the City Council exempt the following non-residential land uses from Transportation Impact Fees:

- Manufacturing, Craft
- Pet and Pet Supplies Stores
- Retail Trade, All Other
- Business and Professional Services, General
- Consumer Goods Rental
- Community Care & Walk-in Clinics
- Indoor Arts, Entertainment, and Recreation Activities, Other
- Outdoor Arts, Entertainment, and Recreation Activities, Other
- Special Food Services
- Drinking Places for Alcoholic Beverages
- Restaurants, Full Service
- Personal Care Services
- Veterinary Services
- Pet Care Services, All Other

RECOMMENDED BY THE CITY OF EDGEWOOD ECONOMIC DEVELOPMENT ADVISORY
BOARD ON THE 5TH DAY OF MAY 2025.

Andrew Wiesenfeld

Economic Development Advisory Board Chair

Attest by:

Jeremy Metzler, PE

Community Development Director



City Of Edgewood Council Agenda Summary Sheet

Subject: Hazardous Vegetation and Tree Preservation Code Amendments	Agenda Item #: 3.D	
	For Agenda of: 5/20/2025	
	Prepared by: Jeremy Metzler	
Attachments (list): 1. SIGNED PC Recommendation - Hazardous trees and Tree Preservation Amendments 2. DRAFT Ordinance 25-0xxx HazVeg-TreePres 3. Exhibit A - DRAFT EMC 8.15 Redline 4. Exhibit B-C - DRAFT EMC Title 18 Redline		
Approval of Materials: Jeremy Metzler Rachel Pitzel, Assistant City Administrator 5/15/2025 Dave Olson, Mayor 5/15/2025		Expenditure Required: N/A Amount Budgeted: N/A Timeline: 05/20/2025 SS 05/27/2025 RCM

Summary Statement: Edgewood Municipal Code (EMC) currently includes provisions for trees under two separate sections:

- EMC Chapter 8.15, Removal of Obstructing, Overhanging, Dead or Hazardous Vegetation and Debris, as adopted by Ordinance 16-0466; and
- EMC Section 18.90.180, Development Standards – Citywide Applicability, Tree preservation, as adopted by Ordinance 21-0604.

As staff has attempted to enforce these regulations, some ambiguity and conflicts have been discovered that are in need of clarification. As codified, it is not clear how a “condition violating EMC 8.15.020” is determined, or what staff are qualified to make said determination. Also, trees on private property that are deemed to be in violation of EMC 8.15.020 may still be subject to EMC 18.90.180, depending on their size and location, which adds costs and delay to addressing any hazard to the public health, safety or welfare.

Following conversations with the Planning Commission at prior meetings, staff has prepared the attached redlined code sections to:

- Clarify who is responsible for determining whether a violation of EMC 8.15 exists;
- Establish a process in EMC 8.15 for determining whether a tree qualifies as a hazardous based on photographic evidence and other considerations as deemed appropriate;
- Revise EMC 18.90.180 to exempt trees deemed hazardous pursuant to EMC 8.15 to eliminate any conflict between these sections of code;
- Consider whether or not the removal of a tree poses a risk to neighboring property, structures, right-of-way, or other infrastructure in the vicinity;

- Allow for more flexibility as to when a “Qualified Tree Professional” is required;
- Clarify the applicability of full Tree Retention Plan requirements under EMC 18.90.180 for minor tree removals not part of a larger development plan or land use action;
- Introduce a list of undesirable and dangerous tree species that would be exempt from tree preservation requirements;
- Include provisions for emergency removal of trees that may be otherwise subject to preservation;
- Simplify the Significant Interior Tree Retention Incentive;
- Clarify and provide some flexibility under Tree Protection Measures;
- Updates the definition of “Qualified Tree Professional” in EMC 18.20, incorporating feedback received from Planning Commissioners; and
- Address any additional conflicts between sections of code as it relates to tree preservation and tree removal.

A Notice of Public Hearing and SEPA DNS were issued on March 21, 2025 informing the public of the proposed drafts amendments, with a public comment period held from March 21, 2025 through April 14, 2025. Public notice was submitted to SEPA agencies, tribes and public through the Tacoma News Tribune, the city’s website, email, posting on the Statewide SEPA Register, and posting at the City Hall notice board. As of the April 14, 2025, no public comments were received. The Planning Commission unanimously approved their recommendation to the City Council at their May 12, 2025 meeting (attached).

Attached for the Council's discussion and consideration are a draft adopting ordinance and the redline code amendments as recommended by the Planning Commission.

Item History:

Planning Commission - February 2024, February 2025, March 2025, April 2025, May 2025

Recommended Action:

Hold a discussion and provide staff guidance regarding Hazardous Vegetation and Tree Preservation Code Amendments

Fiscal Note/Consideration:

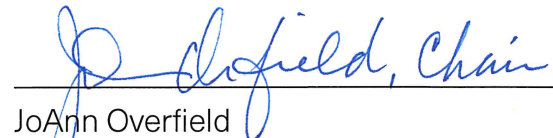
N/A



CITY OF EDGEWOOD
PLANNING COMMISSION
RECOMMENDATION

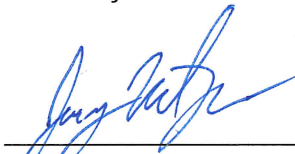
The Planning Commission voted 5-0 to recommend that the City Council adopt the proposed amendments to Edgewood Municipal Code (EMC) Title 8 and Title 18 relating to Hazardous trees and Tree Preservation, as presented herewith.

RECOMMENDED BY THE CITY OF EDGEWOOD PLANNING COMMISSION
ON THE 12TH DAY OF MAY 2025.



JoAnn Overfield
Planning Commission Chair

Attest by:



Jeremy Metzler, PE
Community Development Director

ORDINANCE NO. 25-0xxx

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, PIERCE COUNTY, WASHINGTON, RELATING TO HAZARDOUS VEGETATION AND TREE PRESERVATION REGULATIONS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of Edgewood has established regulations for the removal of obstructing, overhanging, dead or hazardous vegetation and debris under Edgewood Municipal Code (EMC) Chapter 8.15; and

WHEREAS, the City of Edgewood has also established development regulations for tree preservation under Edgewood Municipal Code (EMC) Section 18.90.180; and

WHEREAS, as staff has attempted to enforce these regulations, some ambiguity and conflicts have been discovered that are in need of clarification; and

WHEREAS, the Planning Commission met to review suggested amendments to EMC Chapter 8.15 and Section 18.90.180 on February 12, 2024, February 10, 2025, March 10, 2025, April 14, 2025, and May 12, 2025; and

WHEREAS, the procedures for amendments to development regulations as provided in EMC 18.60 were followed as documented in the Planning Commission staff report dated May 12, 2025; and

WHEREAS, this Ordinance was submitted to the Department of Commerce for 60-day expedited review on March 21, 2025; and

WHEREAS, in accordance with the State Environmental Policy Act (SEPA), the city issued a Determination of Nonsignificance (DNS) on March 21, 2025 under File No. 24-001-CODE with a public comment period ending on April 14, 2025 and appeal period ending on April 29, 2025, where no appeals were received; and

WHEREAS, in accordance with EMC 18.60.070, on March 21, 2025 the City issued a Notice of a Public Hearing on the proposed code amendments, setting the Planning Commission public hearing for April 14, 2025 at 6:00 PM; and

WHEREAS, on May 12, 2025, the Planning Commission voted unanimously to recommend adoption to Council of the proposed amendments to EMC Chapter 8.15 and Section 18.90.180 relating to hazardous vegetation and tree preservation; and

WHEREAS, the City Council reviewed the proposed code amendments at their study session held on May 20, 2025; and

WHEREAS, the City Council considered the amendments at their regular meeting held on May 27, 2025;

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

Section 1. EMC 8.15.020 Repealed and Replaced. EMC Section 8.15.020 relating to hazardous vegetation, authorized officials, and determination of hazardous conditions is hereby repealed and replaced with Exhibit A, attached hereto and incorporated by reference.

Section 2. EMC 18.20.200 Amended. Amendments to EMC Section 18.20.200 relating to the definition of a “qualified tree professional” are attached hereto as Exhibit B, incorporated by reference.

Section 3. EMC 18.90.180 Amended. Amendments to EMC Section 18.90.180 relating to tree preservation regulations are attached hereto as Exhibit C, incorporated by reference.

Section 4. Corrections. Upon the approval of the city attorney and/or the city clerk, the code publisher is authorized to make any necessary technical corrections to this ordinance, including but not limited to the correction of scrivener’s/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

Section 5. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 6. Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after publication as provided by law.

PASSED BY THE CITY COUNCIL ON THE 27TH DAY OF MAY, 2025

Dave Olson, Mayor

ATTEST/AUTHENTICATED:

Jill Schwerzler-Herrera, CMC
City Clerk

APPROVED AS TO FORM:

Maili C. Barber, City Attorney

Date of Publication: May 30, 2025
Effective Date: June 4, 2025

Chapter 8.15
REMOVAL OF OBSTRUCTING, OVERHANGING, DEAD OR HAZARDOUS VEGETATION AND DEBRIS

Sections:

- 8.15.010 Purpose – Authority.
- 8.15.020 Landowner responsibility for removing and destroying obstructing, overhanging, dead or hazardous vegetation and debris.
- 8.15.030 Proceedings – Resolution.
- 8.15.040 Completion of work by city.
- 8.15.050 Cost recovery – Lien.
- 8.15.060 Remedies nonexclusive.

8.15.010 Purpose – Authority.

The provisions of this chapter are enacted pursuant to RCW 35.21.310 and other applicable state law. The purpose of this chapter is to ensure that the condition and location of trees, shrubs and other vegetation or debris do not obstruct or impair the use of public streets or sidewalks by members of the public, or otherwise pose a hazard to the public health, safety or welfare. It is the further purpose and intent of this chapter that landowners should bear the primary responsibility for and cost of maintaining their own property, including without limitation all trees and vegetation growing thereupon, in a properly confined, compliant and nonhazardous manner. The provisions of this chapter shall be liberally construed in furtherance of said purposes and in accordance with RCW 35.21.310.

8.15.020 Landowner responsibility for removing and destroying obstructing, overhanging, dead or hazardous vegetation and debris.

A. All landowners within the city shall maintain their property in a manner that does not pose a hazard to the public health, safety or welfare. Without prejudice to the foregoing, landowners shall be responsible for the following:

1. ~~A.~~ Removing or destroying all trees, plants, shrubs or vegetation, or parts thereof, located upon their property which overhang any public sidewalk or street or which are growing thereon in such manner as to obstruct or impair the free and full use of the sidewalk or street by the public.
2. ~~B.~~ Removing or destroying all dead grass, weeds, shrubs, bushes, trees or vegetation located upon their property which constitutes a fire hazard or a menace to public health, safety or welfare.
3. ~~C.~~ Removing or destroying all debris located upon their property which constitutes a fire hazard or a menace to public health, safety or welfare.

B. With regard to the conditions listed under subsection A, above, the Fire Code Official shall be responsible for determining whether or not a fire hazard exists, and the Public Works Director shall be responsible for determining whether or not there is a menace to public's health, safety or welfare.

C. Trees that are dead, dying and/or diseased may qualify as a fire hazard and/or menace to public health, safety or welfare, to be determined based on photographic evidence demonstrating at least one of the following applies:

1. Dead Trees. The tree is dead or has been damaged beyond repair or where not enough live tissue, green leaves, limbs, roots or branches exist to sustain life; and/or
- ~~1-2.~~ Dying Trees. The tree is in an advanced stage of decline due to disease, insect infestation, or rotting and cannot be saved by reasonable treatment or pruning, or must be removed to prevent the spread of a disease/pest that would cause catastrophic decline in tree health and failure.

8.15.030 Proceedings – Resolution.

Whenever a condition violating EMC 8.15.020 exists upon property located within the city, the city council may initiate proceedings against the landowner by resolution, passage of which shall not occur until at least five days' written notice has been provided to the landowner. The resolution shall describe the subject property and the hazardous condition(s), and shall require the landowner to remove or destroy the same by the deadline established therein, which shall be no less than 10 days from the date of passage of the resolution. A copy of the resolution shall be provided to the landowner following passage.

8.15.040 Completion of work by city.

If the landowner fails to remove or destroy the dangerous condition(s) identified in the city council resolution by the deadline established thereby, the city may cause the removal or destruction of such condition(s).

8.15.050 Cost recovery – Lien.

The costs incurred by the city under this chapter shall become a charge to the landowner and a lien against the subject property. Notice of such lien shall be in substantially the same form, filed with the same officer, and within the same time and manner, and enforced and foreclosed as provided by law for liens for labor and materials.

8.15.060 Remedies nonexclusive.

The provisions of this chapter are nonexclusive, cumulative, and without prejudice to any other remedy, penalty, and/or procedure available to the city with respect to the subject matter hereof. Violations of this chapter are also subject to enforcement and penalties as set forth in EMC Title 7, Code Enforcement.

**Title 18
DEVELOPMENT STANDARDS**

Exhibit B

**Chapter 18.20
DEFINITIONS**

18.20.200 Q definitions.

“Qualified tree professional” means an individual with a minimum of three years of experience in tree evaluation and meets at least one of the following qualifiers:

1. American Society of Consulting Arborists (ASCA) registered consulting arborist;
- ~~2. International Society of Arboriculture (ISA) board certified master arborist;~~
- ~~3. International Society of Arboriculture (ISA) certified arborist with an associate degree and/or a minimum of two years of college-level credit and/or 120 continuing education units; or~~
- ~~4. Washington State registered landscape architect with demonstrated experience specific to trees.~~

Exhibit C

**Chapter 18.90
DEVELOPMENT STANDARDS – CITYWIDE APPLICABILITY**

18.90.180 Tree preservation.

A. Purpose. The purpose of this section is to establish the significant tree preservation requirements necessary when conducting any development or development activity within the city of Edgewood. Specifically, the regulations contained in this section are intended to accomplish the following 10 goals and objectives:

1. Promote the public health, safety and general welfare of the residents of Edgewood;
2. Implement the purposes of the State Growth Management Act relating to conservation of natural resources;
3. Support and implement the city of Edgewood’s Comprehensive Plan, specifically the natural environment, land use, and community character elements;
4. Implement the goals of the State Environmental Policy Act (SEPA);
5. Improve the aesthetic quality of the built environment by reducing impacts on critical areas and the natural environment;
6. Minimize erosion, siltation, water pollution, and surface and ground water runoff by the preservation of significant trees;
7. Provide for the reasonable development of property, reasonable preservation or enhancement of property values, and for increases in privacy for residential sites;
8. Promote building and site planning practices that are consistent with the city’s natural topography, soils, and vegetation features;

9. Provide an appropriate amount and quality of tree retention related to future land uses; and

10. Provide for increased areas of permeable surfaces that allow for infiltration of surface water into ground water resources, reduction in the quantity of storm water discharge, and improvement in the quality of storm water discharge.

B. Applicability. In addition to the requirements under Title 14, Critical Areas, and unless otherwise specified in this section, the preservation of certain trees is required for any development or development activity in all zoning districts and shall be provided in accordance with each individual zoning district and the provisions of this section. In the event a permit is not required, the standards of this section still apply.

1. Tree preservation requirements are applicable to all zoning districts and shall be provided in accordance with each individual zoning district and the provisions of this section. In the event a permit is not required for the establishment of a use, the standards of this section still apply.

C. Exemptions. The following uses and/or activities related to tree preservation are exempt from this section:

1. Routine maintenance and pruning.

2. Existing residential uses on a lot of record development or single family residences that is no greater than 0.5 acres in area, unless the subject tree(s) are otherwise designated for preservation under a prior tree preservation action, comply with current EMC 18.80-.040(C)(1) minimum and maximum densities are exempt from this section

3. Trees that constitute a fire hazard or a menace to public health, safety or welfare as determined under EMC Chapter 8.15.

4. Any tree deemed hazardous by a qualified tree professional due to natural causes and not by adjacent development activity or other human causes, with replacement at a 1:1 tree ratio (not diameter-inches).

5. Removal of the following tree species, regardless of size:

a. Black Cottonwood (Populus trichocarpa)

b. Red Alder (Alnus rubra)

c. Poplar (Populus)

d. Non-native and invasive tree species to the Puget Sound Region, including but may not be limited to:

1. English (or cherry) laurel (Prunus laurocerasus);

2. English holly (Ilex aquifolium);

3. European hawthorn or one-seed hawthorn (Crataegus monogyna);

4. European mountain ash (Sorbus aucuparia);

5. Portugal laurel (Prunus lusitanica);

6. Horse chestnut (Aesculus hippocastanum);

7. Other tree species identified by a qualified tree professional that are non-native and invasive to the Puget Sound Region

6. Emergency Removal. Any number of hazardous protected and nonprotected trees may be removed under emergency conditions. Emergency conditions include immediate danger to life or dwellings or similar stationary and valuable property, including the presence of a target. Emergency removal may occur without permit approval if all the following conditions are met:

a. The City is notified the following business day of the unpermitted action;

b. Visual documentation (i.e., photographs, video, etc.) is provided to the city; and

c. The felled tree remains on site for City inspection.

d. Should the City determine that the tree(s) did not pose an emergency condition, the owner shall be cited for a violation of the terms of this section.

DE. Process and Standards. Review and approval for any significant tree removal(s) shall be conducted with the underlying development permit application. If no other development permit is required, a Tree Removal Permit must be obtained.

1. Tree Preservation Requirements. Any development or development activity shall retain and replace significant trees in accordance with the following requirements:

a. Perimeter Trees. All significant trees within 15 feet of the lot perimeter shall be preserved.

i. At the discretion of the community development director or designee, significant trees may be removed for required site access, buildings, roads, utilities, sidewalks, trails, or storm drainage improvements.

~~ii.~~ Any removed tree must be replaced in accordance with subsection (C)(4) of this section.

b. Interior Trees. A percentage of all significant trees within the interior of a lot, ~~exclusive of the significant trees already required to remain per subsection (C)(1)(a) of this section~~ excluding Perimeter Trees, shall be retained as required per the following standards:

i. In ~~single-family~~ residential zoning districts, mixed residential zoning districts, and the public zoning district, 50 percent of the significant trees located within the interior landscaping area of the lot, ~~or individual lots in the case of residential subdivisions,~~ shall be retained.

ii. In the industrial zoning district, 10 percent of the significant trees located within the interior landscaping area of the lot, ~~or individual lots in the case of subdivisions,~~ shall be retained.

iii. In the town center, commercial, mixed use residential, and business park zoning districts, 10 percent of the significant trees located within the interior landscaping area of the lot, ~~or individual lots in the case of subdivisions,~~ shall be retained. In addition, EMC 18.80.080(G)(8), Tree Preservation and Protection Standards, applies to any development or development activity in these zones.

iv. At the discretion of the community development director or designee, interior significant trees may be removed in excess of the above percentages for required site access, roads, utilities, sidewalks, or trails. Any tree removed under this subsection must be replaced in accordance with subsection (C)(4) of this section.

2. Tree Retention Plan. A tree retention plan shall be submitted to the city for any development or development activity subject to this section. The plans shall be submitted with the required project permit and shall be prepared in accordance with the requirements outlined in this subsection.

a. Tree Survey. The tree retention plan shall include a tree survey that identifies all significant trees on the subject site.

i. The tree survey shall be performed by a qualified tree professional.

ii. While sampling may be used to perform the overall tree inventory, the survey must show the location, number, size, height, species, and condition of each significant tree.

iii. If physical conditions do not warrant the identification of each significant tree, then the sampling results of the plot with the highest number of significant tree diameter inches shall be used as the representative sample.

iv. Inventory sampling shall be performed in accordance with the following plot to acre ratios.

Acres	Minimum number of plots
10 or less	3
11–20	6
21–40	10
41–150	15
>150	1 plot/10 acres

b. Identification of Significant Trees. The tree retention plan shall identify each significant tree that is proposed to be retained, designated to be removed, or requested to qualify for the interior significant tree retention incentive.

c. ~~Interior~~ Significant Interior Tree Retention Incentive. Significant ~~Interior~~ Interior trees that are retained ~~and located outside of the perimeter area, as prescribed in subsection (C)(1)(a) of this section,~~ may be credited as two trees for complying with the retention requirements in subsection (C)(1) of this section, provided it meets ~~one or more of~~ the following criteria:

i. The tree exceeds 60 feet in height, or 24 inches in diameter for evergreen trees, or 30 inches in diameter for deciduous trees; and

ii. The tree is located in a grouping of ~~two or more~~ at least five other significant trees with canopies that touch or overlap, determined to be viable for retention by a qualified tree professional, and the grouping does not intersect existing or proposed lot boundaries.

~~iii. The tree provides energy savings, through wind protection or summer shading, as a result of its location relative to buildings;~~

~~iv. The tree belongs to a unique or unusual species;~~

~~v. The tree is located within 25 feet of any critical area or required critical area buffers; or~~

~~vi. The tree is 18 inches in diameter or greater and is identified as providing wildlife habitat.~~

~~iii. If a tree using this incentive dies or is removed, replacement for such tree shall be provided in accordance with (C)(4) of this section. If the tree died as a result of construction, improper tree protection, lack of maintenance, or negligence, then the tree must be replaced at the standard replacement rate without this incentive benefit.~~

d. Tree Protection Techniques. The tree retention plan shall demonstrate the tree protection techniques intended to be utilized during land alteration and construction in order to provide for the continual healthy life of retained significant trees. The proposed tree protection techniques will be reviewed by the city to ensure compliance with the provisions of this section.

e. If any significant tree that has been specifically designated to be retained in the tree preservation plan dies within ~~three~~ five years of the development of the site, and a qualified tree professional determines it has died due to unnatural causes, then the significant tree shall be replaced with new tree diameter-inches at a rate of 3:1.

3. Tree Protection Measures. Tree protection measures have been established to reduce the impacts of development action on existing significant trees. The protection measures are as follows:

a. If a tree retention, landscape plan, or both are required, no clearing shall be allowed on site until approval of each such plan.

b. An area free of disturbance, corresponding to the dripline of the significant tree's canopy shall be identified and protected during the construction stage with a temporary three-foot-high chainlink or plastic net fence. Fencing shall be in place prior to any site disturbing and construction related activity. No impervious surfaces, fill, excavation, storage of construction materials, operations or parking of vehicles shall be permitted within the area defined by such fencing. For trees 20 DBH inches or more, tree protection fencing shall be provided corresponding to the protection zone diameter, meaning that a 20 DBH inch tree requires a 20 foot diameter protection, including the trunk.

c. The Director or Designee may approve use of alternate tree protection techniques if the trees will be protected to an equal or greater degree than by the techniques listed above. Alternative techniques must be approved by a registered landscape architect, certified nursery professional or certified arborist, with review and concurrence by the City.

d. Tree Topping is prohibited.

4. Tree Replacement. Any ~~removed~~ significant tree removed that is otherwise required to be retained; subject to this section; shall be replaced in accordance with the following standards.

a. On-Site Replacement

ia. Significant trees shall be replaced at a rate of 1.5 times to one (1.5:1) of the total tree diameter inches of all the significant trees that were removed.

iib. Replacement trees shall be no smaller than two inches DBH for deciduous trees and seven feet in height for evergreen trees.

iiie. Preserved healthy trees, which are not designated as at-risk on a tree risk assessment, between two and 12 inches in tree diameter, may be counted towards the on-site 1.5:1 replacement requirement by subtracting their respective DBH inches from the total replacement count.

ivd. Replacement trees shall be native to Washington State and shall be classified as noninvasive species.

ve. Tree replacement plans shall be prepared by a qualified tree professional.

b. Off-Site Replacement

i. Payment in lieu of replacement may be made to the City for planting of trees in other areas of the City. The payment of an amount equivalent to the estimated cost of buying and planting the trees that would otherwise have been required to be planted on site, as determined by the City's fee schedule. Payment in lieu of planting trees on site shall be made at the time of the issuance of any building permit for the property or completion of the project permit requiring the tree replacement, whichever occurs first. This option will be available once the City creates a tree fund and approves tree replacement fee in the City's fee schedule.

ED. Determining Significant Trees.

1. To be identified as a significant tree, an existing tree must not be exempt from this section and meet at least one of the following criteria:

a. When measured at breast height, must have a minimum diameter of 12 inches;

b. The community development director or designee designated the tree as significant due to any one of the following:

- i. The uniqueness of the tree species;
- ii. The tree is not a hazardous tree and provides important wildlife habitat; or
- iii. The tree's unique historical, ecological, or aesthetic value constitutes an important community resource.

~~2. Trees will not be considered "significant" if a tree risk assessment or arborist report/memo from a qualified tree professional determines, and the community development director or designee reviews and concurs, that the tree is at risk due to a structural defect, combination of defects, or disease.~~

~~a. Regardless of tree health, a tree may also be determined as a safety hazard in a tree risk assessment if the tree poses a threat to human health or may cause damage to a structure, roadway, or utility facility if toppled.~~

~~b. Hazardous trees that are not considered significant may be removed following the review and concurrence of the tree risk assessment by the community development director or designee.~~

~~c. To undertake a tree risk assessment, a qualified tree professional must be tree risk assessment qualified (TRAQ), as established by the International Society of Arboriculture (ISA).~~

~~E. Critical Areas Regulations.~~

~~1. All trees within a critical area, critical area buffer, or open space tract shall be retained.~~

~~2. Trees specifically indicated in a discretionary land use permit or tree removal permit may be exempted from the requirement to be retained, subject to the provisions of EMC Title 14 and tree replacement requirements.~~

F. State Environmental Policy Act Requirements. Additional or specific tree retention may be required as SEPA mitigation in addition to the requirements of this section.