MMC Chapter 17.59 Tree Retention

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17.59.010 Purpose.

The purpose of this chapter is to preserve the city's trees canopy and the environmental and aesthetic benefits it they provides.

17.59.020 Applicability.

A. General. The provisions of this chapter apply to removal or pruning of evergreens with trunks greater than eight inches diameter at breast height (DBH) and deciduous trees with trunks greater than twelve inches DBH unless specifically exempted in 17.59.030. See "significant tree" definition in 17.08 for measurement methods.

B. Conflicts. Where this chapter conflicts with critical area regulations or plat requirements, the more restrictive standard applies.

17.59.030 Exemptions.

This chapter does not apply to:

A. Trees removed for the installation and maintenance of public streets, utilities, or facilities completed by a public agency.
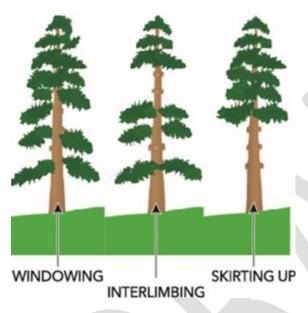
B. Tree removal required to comply with applicable Wildland-Urban Interface Code requirements as approved by the city Building Official.

17.59.040 Pruning standards.

A. Tree topping is prohibited. Any thinning pruning done in the top third of the tree is limited to 25% of the crown in a growing season and must result in even distribution of branches on individual limbs and throughout the crown. It is assumed that any tTrees subjected to topping or violations of these pruning thresholds will not survive and must be replaced consistent with the ratios in 17.59.060.

B. Select limbs may be removed through windowing, inter-limbing, or skirting up methods provided:

1. Pruning may not remove more than 40% of the tree limbs; and

2. Skirting up may not remove any limbs higher than 20 feet from ground level.

C. If pruning is conducted consistent with these standards, it is allowed and does not require a permit.

Figure 17.59.040.C.1

WINDOWING   INTERLIMBING   SKIRTING UP

17.59.050 Required review for tree removal.

A. Tree removal requires review and approval from the city.

B. Where immediate removal is required because of an immediate threat to the property or public, a tree permit must be obtained after removal to allow evaluation of any required mitigation or replacement trees.

C. Tree removal associated with another permit that requires city approval will be reviewed with the associated project and will not require a separate tree permit. Tree retention requirements may be incorporated into landscaping plans.

D. Tree removal not associated with another city approval will be reviewed as an ~~individual~~ independent tree permit.

E. While a tree permit may authorize removal of more than one tree and include phasing for such removal, a~~A~~ maximum of one tree permit per lot may be approved every~~allowing tree removal may be obtained per~~ two years. This timing restriction may be waived if ~~, unless~~ a certified arborist determines additional tree removal is needed to resolve a safety hazard that cannot be reduced through pruning or other methods.

F. Snag creation. When feasible, 10 feet of stump should be left in place when removing Douglas fir, western red cedar, big-leaf maple, or cottonwood trees 15 inches or greater DBH.

17.59.060 Minimum requirements.

A. Minimum retention requirements.
1. For new development, a minimum of 25%of the existing significant trees must be retained unless the director determines additional trees must be removed to facilitate practical and appropriate use of the building envelope. Tree removal in excess of 75% must be replaced at the ratios below.
2. Removal of trees on developed sites must comply with replacement requirements below. The director may waive or reduce replacement requirements when the required number of replacement trees cannot be safely or reasonably accommodated on site.
3. No removal of trees is allowed on vacant lots without an approved development permit.
3.4.Fee in lieu. When approving waivers or reductions to the standards, the director may require a fee in lieu equivalent to the cost of a tree meeting the requirements, installation (labor and equipment), maintenance for two years, and fund administration. Those fees may be used by the city for tree planting, restoration activities, tree canopy analysis, public education, or related activities.

B. Replacement requirements.
1. Any time tree removal exceeds the retention requirements above, trees must be replaced on the same property at the following ratios:

Size of Removed Tree	# of Replacement Trees required	Minimum Size and Type of Replacement Trees
8 – 17.9 inches DBH	1	2" caliper (diameter as measured 4-inches above soil line) for deciduous trees.
18 – 29.9 inches DBH	2	
30+ inches	3	
		6 feet tall for conifers.

2. Trees planted within five feet of the sidewalk or road must have root guards installed.
3. At any time within the first two years of planting, tThe city may require an arborist assessment of trees that look unhealthy and require replacement of any trees that the arborist finds are not in good health within two years of planting.
4. On steep slopes, deep rooted bushes or ground cover such as ocean spray, snow berry, salal or evergreen huckleberry may be planted at a 3:1 ratio as an alternative to the tree ratios above when the tree stump and roots are left in place.

17.59.070 Enforcement.

A. Liability. This chapter shall not be construed as relieving or lessening the responsibility of any person pruning or removing a tree in the city for damages to anyone injured or damaged, either in person or property, by any defect or action therein. Nor shall the city or any agent

therefore assume the liability by reason of issuance of a permit or inspection authorized in this chapter.

B. Enforcement. Except as expressly provided in the following sections, enforcement of this code shall proceed in accordance with Title 18.

C. Interpretation. The administration of this chapter shall be in accordance with the provisions contained in Chapters 17.13 and 17.72 unless specifically provided for herein.

D. Fines. In addition to the authorized daily civil penalties in MMC 18.20.015, or independent of such fees, the director may assess fines up to the following thresholds when unauthorized pruning or tree removal occurs. In no case may the fine amount exceed $25,000 per tree.
   1. Base fine: $1,000 per violation
   2. Critical area factor: An additional $1,000 per violation when located on a steep slope or within a wetland/stream or its buffer
   3. Tree size factor: An additional $1,000 per inch of diameter for trees over 24" DBH
   4. Willful and malicious factor: Fines may be tripled for willful violations of this chapteror malicious cutting, including cutting tree topping or removal conducted purposefully to improve views, increase market value, or expand development potential. Violations made on other people's property or by owners with a previously documented violation will be considered willful.

E. When trees are topped, pruned, or removed in violation of this chapter, the city may require the applicant to replant at established ratios or provide a Level 2 Risk Assessment, habitat assessment, wetland report, replanting plan, and/or geotechnical analysis to confirm tree health, slope stability, and no net loss of critical area ecological functions. The city shall provide a written request for the report and establish a deadline for submittal. If the violator is unable to provide the requested reports in the timeline established, the city may use their own consultants and bill all costs to the violator.

F. The director may revoke or suspend the city business license of any contractor, person, or entity with more than one documented violation of the standards in this chapter.