

**DRAFT TMC 18.54 TREE REGULATIONS**  
**Tukwila Tree and Environment Advisory Committee Revisions**

**CHAPTER 18.54**

**URBAN FORESTRY AND TREE REGULATIONS**

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~~**18.54.010 Title**~~

~~This Ordinance shall be known as the City of Tukwila "Tree Ordinance," and may be so cited.~~

~~(Ord. 1758 §1 (part), 1995)~~

**Commented [CL1]:** This section not needed.

~~**18.54.020 Purpose**~~

~~This purpose of this chapter is to:~~

- ~~1. Mitigate certain environmental consequences of land development, and to maintain and improve the quality of Tukwila's urban environment.~~
- ~~2. Promote building and site planning practices that are responsive to the community's natural environment, without preventing reasonable development of land.~~
- ~~3. Regulate clearing of trees and understory vegetation in the City of Tukwila, in order to:~~

**Commented [CL2]:** Replaced by new section, below.

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- as:
- a. ~~Maintain and enhance the aesthetic, ecological and economic benefits provided by vegetation, such~~
    - ~~(1) providing wildlife habitat;~~
    - ~~(2) reducing runoff and soil erosion;~~
    - ~~(3) reducing air pollution;~~
  
    - ~~(4) masking noise;~~
    - ~~(5) reducing wind speed and urban "wind tunnels";~~
    - ~~(6) energy conservation, cooling of urban centers;~~
    - ~~(7) increasing real property values;~~
    - ~~(8) enhancing visual and aesthetic qualities of the urban environment.~~
  - b. ~~Maintain the viability of existing stands of trees and understory vegetation.~~
  - c. ~~Promote retention of native vegetation in sensitive areas and their buffers, shoreline areas, and wildlife habitat areas.~~
4. ~~Provide a means to implement the requirements of the Sensitive Areas Overlay District chapter of this title, relative to vegetation removal in sensitive areas and sensitive area buffers.~~

*(Ord. 1758 §1 (part), 1995)*

**18.54.010 Purpose**

The purpose of this Chapter is to implement the Urban Forestry Comprehensive Plan goals; to maintain and increase tree canopy throughout the city; and to provide requirements for tree maintenance, tree retention and protection. Trees and their canopy act to improve air quality, promote the public health, reduce human-related stress, increase property values, reduce heat islands, and reduce storm water flows. The tree regulations also support the Low Impact Development goals of the Comprehensive Plan and the City's National Pollution Discharge Elimination System permit.

**Commented [CL3]:** New purpose text to reflect adopted Urban Forestry Comprehensive Plan goals and policies.

In particular, the purpose of this Chapter is to:

1. ~~Regulate the protection of existing trees prior to and during development;~~
2. Establish protections requirements for the long-term maintenance of trees and vegetation;
3. Moderate the effects of wind and temperature;
4. Minimize the need for additional storm drainage facilities;
5. Stabilize and enrich the soil and minimize surface water and ground water run-off and diversion which may contribute to increased instability, sedimentation, or turbidity in streams, lakes, or other water bodies;
6. Protect fish, wildlife and their habitats by promoting tree retention and improving water quality;
7. Ensure tree replacement after removal to provide erosion control and to achieve canopy coverage goals;
8. Recognize the importance of Heritage and Exceptional Trees to the history of the community; and-
9. Establish procedures for penalties and violations of the tree code.

**Commented [CL4]:** Committee revisions to Purposes #1 and 2.

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**18.54.0230 Scope**

This chapter sets forth rules and regulations to control clearing of trees ~~and understory vegetation~~ within the City of Tukwila except for removal of trees governed by Chapter 18.44, Shoreline regulations, Chapter 18.45, Sensitive Areas, and Chapter 18.52, Landscaping.

*(Ord. 1758 §1 (part), 1995)*

**18.54.050 Permit Exempt Activities**

The following activities are exempt from the application of this chapter and do not require a Tree Clearing Permit:

1. ~~Clearing of any vegetation; UNLESS the site on which clearing is to occur is located in a sensitive area, sensitive area buffer, or shoreline zone.~~
2. ~~On sites within a sensitive area, or sensitive area buffer, or shoreline zone:
  - a. ~~Clearing of up to 4 significant trees on a site currently zoned and developed for single family residential use within any 36-month period; UNLESS the significant trees to be removed are located within a wetland, watercourse and their associated buffers or within the shoreline zone.~~
  - b. ~~Clearing of any vegetation located outside a sensitive area, sensitive area buffer or outside the shoreline zone.~~
  - c. ~~Removal of hazardous trees.~~
  - d. ~~Routine maintenance of vegetation necessary to maintain the health of cultivated plants, to contain noxious weeds, or to remedy a potential fire or health hazard or threat to public safety per TMC Commercial parking subject to TMC Chapter 18.56, "Off Street Parking and Loading Regulations." 8.28, Nuisances.~~
  - e. ~~Vegetation removal necessary to the operation of an established Christmas tree farm or commercial plant nursery.~~
  - f. ~~Construction and maintenance of streets and utilities within City approved rights of way and easements.~~~~

*(Ord. 1758 §1 (part), 1995)*

**18.54.060 Permit Mandatory Standards**

All removal of significant trees and understory vegetation shall be undertaken in accordance with the mandatory standards specified in this chapter, except as provided in the Waiver to Permit Materials or Exceptions sections of this chapter.

*(Ord. 1758 §1 (part), 1995)*

**18.54.0370 Tree Removal Permit Required (LFP)**

~~No person shall conduct any clearing of vegetation without first obtaining a Tree Clearing Permit on a form approved by the Director; unless specifically exempted under this chapter.~~

A. Permit Required.

1. A Tree Removal Permit is required prior to work within the Critical Root Zone of any Significant, Exceptional or Heritage Tree or prior to the removal or destruction of any these Trees within the City, unless the action is exempt from this Chapter.
2. A Tree Removal Permit is required when any person wishes to prune a Heritage Tree in excess of 20% of the existing crown in a two-year period.

**Commented [CL5]:** Revised and incorporated into Permit Required section below

**Commented [CL6]:** This section not needed

**Commented [CL7]:** Incorporated into section below.

**Commented [CL8]:** Name of permit revised by Committee as there will be different types of Tree Permits:  
1. Tree Removal  
2. Tree Impact (for work in the CRZ)  
3. Heritage Tree Removal or Pruning over 20% of existing crown  
4. Exceptional Tree Removal  
5. Utility Tree Removal

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3. A request for an exception to the requirements of the Chapter shall be processed under a Tree Exception Permit.

B. Tree Removal on undeveloped lots is prohibited.

C. Tree Removal Exemptions. The following activities are exempt from the requirements of this Chapter:

1. The removal of trees that are less than 4" in Diameter at Breast Height (DBH) on a property zoned Low Density Residential and improved with a single-family dwelling.
2. The removal of Dead Trees outside of the shoreline jurisdiction or a sensitive area or its buffer.
3. Routine maintenance of trees necessary to maintain the health of cultivated plants, or to contain noxious weeds or invasive species as defined by the City of Tukwila or King County. Routine maintenance includes the removal of up to 20% of the existing tree crown in a two year period.
4. Emergency actions necessary to remedy an immediate threat to people or property, or public health, safety or welfare by a high-risk or extreme-risk tree may be undertaken in advance of receiving a permit. Any person, utility or public entity undertaking such an action shall submit a Tree Removal Permit application within one week of the emergency action and replace tree(s) if required by this Chapter. Additional time to apply for a tree Permit may be granted at the discretion of the Director.

D. Tree Removal Permits Arborist Report. All Tree Removal Permits shall require an ISA Certified Arborist reportview, unless otherwise stated in this Chapter. ~~except for the removal of Significant Trees, other than Exceptional or Heritage Trees, including invasive species.~~ An arborist's report is not required for the permitted removal of trees, other than Exceptional or Heritage Trees, on a lot zoned Low Density Residential and improved with a single-family dwelling.

**Commented [CL9]:** Mix of Lake Forest Park and current exemptions in TMC 18.54

**Commented [CL10]:** #2 from City of Redmond, WA tree code

**18.54.0430 PERMIT SUBMITTAL REQUIREMENTS**

A. Permit Application. Prior to any tree removal, site clearing or work within the CRZ,, a Tree Removal Permit application must be submitted to the Department of Community Development containing the following information:

1. Site Plan of the proposal showing:
  - a. Diameter, species name, location and canopy of existing Significant Trees in relation to proposed and existing structures, utility lines, and construction limit line;
  - b. Identification of all Significant Trees to be removed and/or relocated;

**Commented [CL11]:** TMC 18.54.080 1.

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- c. Existing and proposed topography of the site at 2-foot contour intervals; and
- d. Limits of any sensitive area and sensitive area buffer and/or shoreline jurisdiction.
- 2. Landscape Plan for the proposal showing:
  - a. Diameter, species name, spacing and location of replacement trees to be planted;
  - b. Diameter, species name and location of all Significant Trees to be retained; and
  - c. Vegetation protection measures consistent with the criteria in TMC 18.54.060
- 3. Professional review or recommendation. Assessment prepared by an ISA Certified Arborist addressing the following:
  - a. The anticipated effects of proposed construction or tree removal on the viability of Significant Trees to remain on-site;
  - b. Recommendations on replacement trees, spacing and maintenance of proposed replacement trees once installed;
  - c. Post-construction site inspection and evaluation; and
  - d. Estimated cost of maintenance of replacement trees for the purposes of calculation of financial assurance, if required.
- 4. A photo of the tree(s) to be impacted or removed.
- 4-5. Time schedule. Proposed time schedule of vegetation removal, relocation and/or replacement, and other construction activities which may affect on-site vegetation, sensitive area, sensitive area buffer, and/or shoreline zone.

**Commented [CL12]:** From TMC 18.54.080 2.

**Commented [CL13]:** Revised from TMC 18.54.080 3.

**Commented [CL14]:** New text.

~~A. B. Single-family Tree Removal No-Fee Permit Application – Removal of Up to four Trees or Less. The removal of 1-4 trees within any 36-month period on a property zoned Low Density Residential and improved with a single-family dwelling, is permitted, subject to the requirements of Table A below and possible tree replacement. Information to be submitted as part of a Tree Inventory Survey shall include the following: is subject to a no fee Tree Removal Permit. Items to be submitted with the permit application are:~~

- ~~1. Site plan, with the tree(s) to be removed identified, the tree species, and diameter of tree and the location of any utility lines or other built infrastructure;~~
- ~~2. Number of and size of trees to be removed.~~
- ~~3. The location of any affected utility lines within the overhead “fall zone” or other built infrastructure.~~
- ~~4. Photos of the tree(s) to be removed;~~
- ~~5. The method of removal and identification of contractor; and~~
- ~~6. Time schedule of tree removal.~~

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**Table A  
Single Family Tree Removal Requirements**

<u>Trees (DBH)</u>	<u># of Trees in 36 Month Period that can be Removed</u>	<u>Tree Permit?</u>	<u>Arborist Report?</u>
<u>4-8"</u>	<u>4</u>	<u>Inventory Survey</u>	<u>No</u>
<u>&gt;8-12"</u>	<u>2</u>	<u>Yes</u>	<u>No</u>
<u>&gt;12-18"</u>	<u>2</u>	<u>Yes</u>	<u>No</u>
<u>&gt;18-24"</u>	<u>1</u>	<u>Yes</u>	<u>Yes</u>
<u>&gt;24"</u>	<u>1</u>	<u>Yes</u>	<u>Yes</u>

**Commented [CL15]:** The Committee wanted to tie the number of trees that can be removed from single family zoned properties improved with a dwelling to the size of the trees being removed. The larger the tree removed, the fewer that can be taken out in a 36 month period.

See Table B for the number of replacement trees required, if any.

**B. C. Permit Materials Waiver**

The Director may waive the requirement for any or all plans or permit items specified in this chapter section upon finding that the information on the application is sufficient to demonstrate that the proposed work will meet the approval criteria detailed in this Chapter and other City ordinances. Such waiver of a requirement for permit materials shall not be construed as waiving any other requirements of this Chapter or related regulations.

**Commented [CL16]:** From existing TMC 18.54.090

**D. Permit Application Fee**

Fee required: A non-refundable permit application fee will be collected at the time of submittal of a Tree Clearing Permit application. The application fee will provide for the cost of plan review, administration and management of the permitting process, inspections, and processing of exceptions to standards and appeals pursuant to this chapter. A Tree Removal Permit fee shall be paid at the time an application or request is filed with the department, pursuant to TMC Section 18.88.010, except as otherwise noted in this Chapter. All fees shall be paid according to the Land Use Fee Schedule in effect at the time of application. There is no permit fee for submittal of the Tree Inventory Survey.

**Commented [CL17]:** Modified from existing TMC 18.54.100

B. – Fee: The City shall collect a fee for processing a Tree Clearing Permit per TMC Section 18.88.010, except as otherwise noted in this chapter.

C. – Fee exception: No fee shall be required for vegetation clearing associated with land-altering activity approved under a Land-Altering Permit.

**18.54.120 Applicant Security Required**

To mitigate damages should they occur as a result of clearing which is not authorized by a Tree Clearing Permit, the Director may require from the applicant a bond, letter of credit, or other

**Commented [CL18]:** Revised and moved to Permit Approval Criteria section.

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~~means of security acceptable to the City. The following provisions shall apply in instances where such securities are required:~~

~~1. The required security shall be submitted prior to the issuance of a Tree Clearing Permit.~~

~~2. The security shall be equal to City Staff's best estimate of possible costs directly associated with replacement of cleared vegetation which has not been authorized to be cleared under a Tree Clearing Permit (e.g. the replacement of vegetation approved for retention, or the installation of replacement plantings which the applicant has failed to install as required). In no case shall the security exceed an amount equal to 2.5 times the current cost of replacing the plants per the Tree Replacement requirements of this chapter.~~

~~3. The security shall not be fully released without final inspection and approval of completed work by the City, submittal of any post construction evaluations, or following any prescribed trial maintenance period required in the permit.~~

~~4. Securities provided in accordance with this chapter may be redeemed in whole or in part by the City of Tukwila upon determination by the Director that the applicant has failed to fully comply, within the time specified, with approved plans and/or any remedial or enforcement actions mandated in accordance with this chapter.~~

~~*(Ord. 1758-51 (part), 1995)*~~

**18.54.0540 Permit Approval Criteria, General.**

~~To the extent that vegetation retention and/or replacement is consistent with project feasibility or reasonable use of the property, vegetation clearing shall be planned and conducted to meet all of the criteria below. These criteria shall be the basis for approval, approval with conditions or denial of any tree clearing included in a Tree Clearing Permit application.~~

**Commented [CL19]:** Replaced with proposed text below.

~~All Tree Removal Permit applications shall meet the criteria outlined below for approval.~~

- ~~A. Existing trees will be retained on-site to the maximum extent possible as required by TMC 18.54.060 and as recommended in the arborist report, if applicable.~~
- ~~B. Tree protection will be implemented as required in TMC 18.54.070.~~
- ~~C. Tree replacement will be implemented as required in TMC 18.54.080.~~
- ~~D. Tree replacement funds will be deposited into the City of Tukwila Tree Replacement Fund, as described in TMC 18.54.100, if required.~~
- ~~E. A performance assurance will be submitted as required in TMC 18.54.110.~~

**18.54.060 Tree Retention Standards**

~~Site improvements shall be designed and constructed to retain as many existing healthy trees as possible, and to meet the following criteria:~~

**Commented [CL20]:** This text is currently found in TMC 18.54.130 A. and is proposed to be replaced with the text below.

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- ~~a. Priority shall be given to retention of existing stands of trees, trees at site perimeter, trees within the shoreline Low Impact Environment, in Sensitive Areas or Sensitive Area Buffers, and healthy mature trees.~~
- ~~b. All understory vegetation within the essential root zone of protected trees shall be:
 
  - ~~(1) retained; OR~~
  - ~~(2) removed by methods which are non-damaging to the tree, and replaced with vegetation with horticultural requirements which are compatible with protected trees.~~~~
- ~~c. Vegetation removal shall be undertaken in such a manner as to preserve, to the degree possible, the aesthetic and ecological benefits provided by such vegetation.~~

A. As many Significant, Exceptional and Heritage Trees as possible are to be retained on a site proposed for development, or re-development, particularly to provide a buffer between development, taking into account the condition and age of the trees. As part of a land use application such as, but not limited to, subdivision or short plat review, design review or building permit review, the Director of Community Development or the Board of Architectural Review may require reasonable alterations to the arrangement of buildings, parking or other elements of proposed development in order to retain Significant, Exceptional or Heritage non-invasive Trees.

**Commented [CL21]:** "Reasonable" added by Advisory Committee.

**Commented [AC22]:** From 18.44.080 B.1.

B. Topping of trees is prohibited and considered removal.

C. Trees located on vacant properties shall not be removed except:

- 1. Those that interfere with access and/or passage on public trails; or
- 2. When trees, including alders and cottonwoods, have been determined to be one of the following by a Tree Risk Assessment prepared by a Tree Risk Assessor, and where the risk cannot be reduced to Low with mitigation, such as pruning:
 
  - a. Moderate risk with significant consequences;
  - b. Moderate risk with severe consequences;
  - c. High risk with a target or risk target; or,
  - d. Extreme risk.

**Commented [AC23]:** From Lake Forest Park

- 3. Factors that will be considered in approving such tree removal include, but are not limited to, tree condition and health, age, risks to life or structures and potential for root or canopy interference with utilities.

D. Where permitted, removal of Exceptional or Significant trees on a property zoned Low Density Residential and improved with a single-family dwelling beyond the up to four trees permitted within a 36-month period that are removed shall be replaced pursuant to the tree replacement requirements outlined below. The Director or Planning Commission may require additional trees or shrubs to be installed to mitigate any potential impact from the loss of the vegetation as a result of the tree removal.

**Commented [CL24]:** This chapter applies to trees, not vegetation.

E. Retention and Replacement of Canopy Cover. On undeveloped sites or sites with dense stands of trees, where the cost of identification of individual tree species and sizes is inordinate relative to the project, the Director may allow the applicant to use the tree canopy cover approach outlined below to calculate retention and replacement of trees:

**Commented [CL25]:** From existing code TMC 18.54.140 B. The Committee deleted this subsection as eliminating this option will provide site specific tree inventory information when development is proposed.

- a. The site shall have a minimum canopy cover equal to 20% of the site area, or equal to the existing canopy cover whichever is less.



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~~b. Canopy cover may consist of any combination of existing trees and replacement trees. Canopy cover of each new tree shall be calculated based on the canopy cover from the City's preferred tree list.~~

~~F. Protection of trees shall be a major factor in the location, design, construction and maintenance of streets and utilities. Removal or significant damage that could lead to tree death of Significant, Exceptional or Heritage Trees shall be mitigated with on- or off-site tree replacement as required by this Chapter.~~

~~G. A Qualified Tree Professional shall provide an assessment of any tree proposed for retention in a proposed development to ensure its survivability during construction.~~

~~H. The Department shall conduct a tree canopy assessment every five years from the date of the adoption of this Chapter to ensure that the tree canopy goals of the Comprehensive Plan are being met.~~

**Commented [CL26]:** Added by the Committee to make sure we are monitoring tree canopy percentages over time.

**18.54.070 Tree Protection Measures Standards**

**Commented [CL27]:** Title of section revised from current code

~~a. The proposal shall include tree protection measures which meet or exceed best management practices and current standards of professional arboriculture, and which are sufficient to ensure the viability of protected trees and other vegetation identified for retention pursuant to requirements of this chapter, and shall include measures sufficient to protect any Sensitive Area, its Buffer and vegetation within the shoreline Low Impact Environment.~~

~~b. During clearing and/or construction activities, all protected vegetation shall be surrounded by protective fencing which prevents adverse impacts associated with clearing from intruding into areas of protected vegetation.~~

**Commented [CL28]:** Proposed text changes below.

~~All trees ~~vegetation~~ not proposed for removal as part of a project or development shall be protected using Best Management Practices and the standards below.~~

**Commented [CL29]:** Note to reviewers: TMC 18.52.050, landscaping code, refers users of that Chapter to TMC 18.54 to find tree protection guidance. These requirements serve as the tree protection criteria to be followed.

~~A. The Critical Root Zones (CRZ) for all trees designated for retention, on site or on adjacent property as applicable, shall be identified on all construction plans, including demolition, grading, civil and landscape site plans.~~

~~B. Any roots within the CRZ exposed during construction shall be covered immediately and kept moist with appropriate materials. The City may require a third-party ~~An~~ arborist ~~may be required~~ to review long-term viability of the tree.~~

~~C. Physical barriers, such as 6 foot chain link fence or plywood or other approved equivalent, shall be placed around each individual tree or grouping at the CRZ.~~

~~D. Minimum distances from the trunk for the physical ~~construction~~ barriers shall be based on the approximate age of the tree (height and canopy) as follows:~~

**Commented [CL30]:** Revised to make terminology consistent with C. above.

~~1. Young trees (trees which have reached less than 20% of life expectancy): 0.75 per inch of trunk diameter.~~

**Commented [CL31]:** From ISA standards

~~2. Mature trees (trees which have reached 20-80% of life expectancy): 1 foot per inch of trunk diameter.~~

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- 3. Over mature trees (trees which have reached greater than 80% of life expectancy): 1.5 feet per inch of trunk diameter.
- E. Alternative protection methods may be used that provide equal or greater tree protection if approved by the Director.
- F. A weatherproof sign shall be installed on the fence or barrier which reads: "TREE PROTECTION ZONE – THIS FENCE SHALL NOT BE REMOVED OR ENCROACHED UPON. No soil disturbance, parking, storage, dumping or burning of materials is allowed within the Critical Root Zone. The value of this tree is \$ (insert value of tree as determined by a Qualified Tree Professional here). Damage to this tree due to construction activity that results in the death or necessary removal of the tree is subject to the Violation section of TMC 18.54.190."
- G. All tree protection measures shall be installed and shall be inspected by the City, and if deemed necessary a Qualified Tree Professional, prior to beginning construction or earth moving.
- H. Any branches or limbs that are outside of the CRZ, and might be damaged by machinery, shall be pruned prior to construction by an ISA Certified Arborist. No construction personnel shall prune affected limbs except under the direct supervision of an ISA Certified Arborist.
- I. The CRZ shall be covered with 4 to 6 inches of wood chip mulch. Mulch shall not be placed directly against the trunk. A 6-inch area around the trunk shall be free of mulch. Additional measures, such as fertilization or supplemental water shall be carried out prior to the start of construction if deemed necessary by the arborist's report to prepare the trees for the stress of construction activities.
- J. No storage of equipment or refuse; parking of vehicles; dumping of materials or chemicals; or placement of permanent heavy structures or items shall occur within the CRZ.
- K. No grade changes or soil disturbance, including trenching, shall be allowed within the CRZ. Grade changes within 10 feet of the CRZ shall be approved by the City prior to implementation.
- L. The applicant is responsible for ensuring that the CRZ of trees on adjacent properties are not impacted by the proposed development.
- M. A pre-construction inspection shall be conducted by the City is required to finalize tree protection actions.
- N. Post-construction inspection of protected trees shall be conducted by the City, and if deemed necessary by the City, a Qualified Tree Professional. All corrective or reparative pruning will be conducted by a Certified Arborist.

**Commented [CL32]:** Modified from TMC 18.54.160 B.

**Commented [CL33]:** The Committee discussed when or if to allow construction personnel to prune affected tree limbs.

**Commented [CL34]:** Confirm with PW – is this a reasonable distance

**18.54.080 Tree Replacement Standards**

When tree replacement is required, tThe site shall be planted with trees to meet the following minimum requirements:

**Commented [CL35]:** Existing code, TMC 18.54.130 3. with revisions as noted.

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- A. Each existing Significant Tree removed, including removal of trees in easements and rights-of-way for the purposes of constructing public streets and utilities, shall be replaced with new tree(s), based on the size of the existing tree as shown below, up to a maximum density of 70 new trees per acre, generally 12-15 feet apart. If the number of required replacement trees exceeds site capacity, payment is required into the City's Tree Replacement Fund.
- B. Tree Replacement Ratios: Table B A below establishes tree replacement ratios when Significant, Exceptional or Heritage Trees are removed. Table B A does not apply to the removal of one-four Significant Trees on a For properties zoned Low Density Residential and improved with a single-family dwelling, when the number of trees permitted to be removed in a 36 month period, as shown in Table A, has been exceeded, the replacement ratios set forth in Table B apply.
- C. The property owner is required to ensure the viability and long-term health of trees planted for replacement through proper care and maintenance for the life of the project site's improvement. Replaced trees that do not survive must be replanted in the next appropriate season for planting.
- D. If all required replacement trees cannot be accommodated reasonably on the site, the applicant shall pay into the Tree Replacement Fund. The fee shall be based on the value of the replacement trees and their delivery, labor for site preparation and plant installation, soil amendment, mulch, and maintenance costs for three years. In some circumstances, off-site tree replacement may be allowed, subject to additional maintenance fees.

**Commented [CL36]:** The highlighted language adjusted after Committee review completed to match the new approach to determining how many trees can be removed in a 36 month period.

**Commented [CL37]:** Clarification by Advisory Committee as to what is meant by "project".

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Diameter of Existing Tree Removed	No. of Replacement Trees Required
4-8 inches	1
8-12 inches	2
12-18 inches	4
18-24 inches	6
>24 inches	8

**TABLE B A: Tree Replacement Requirements**

Diameter* of Tree Removed (*measured at height of 4.5 feet from the ground)	Number of Replacement Trees Required
4-6 inches (single trunk)	3
2 inches (any trunk of a multi-trunk tree)	3
Over 6-8 inches	4
Over 8-20 inches	6
Over 20 inches	8

**Commented [CL38]:** We have increased the number of replacement trees over current tree code to provide an incentive to try to incorporate existing trees into development and also to replace existing tree canopy that will be lost. These are the same replacement ratios as required under the shoreline regulations.

Amount of Mature Tree Canopy Removed	Equivalent Stature Tree	Number of Replacement Trees
Up to 500 sq. ft.	Small Canopy Tree	1
501-1000 sq. ft.	Medium Canopy Tree	2
>1001 sq. ft.	Large Canopy Tree	3

**Commented [CL39]:** When removal of a tree is proposed, the number of trees required for replacement will be based on what the mature tree canopy of the removed tree would have been, not the current tree canopy provided.

E. Tree replacement shall also meet the standards in TMC 18.54.160.

~~c. Prior to any vegetation removal, the applicant shall demonstrate through a Landscape Plan, Sensitive Area Mitigation Plan or other materials required per the requirements of this chapter that vegetation replacement will meet the following minimum standards:~~

~~(1) Minimum sizes shall be 2.5-inch caliper for deciduous trees, 6 to 8 feet in height for evergreen trees, 24 inches in height for shrubs, and 1 gallon for groundcover.~~

~~(2) Replacement plants shall meet current American Association of Nurserymen standards for nursery stock;~~

~~(3) Planting and maintenance of required replacement vegetation shall be in accordance with best management practices for landscaping which ensure the vegetation's long-term health and survival.~~

**Commented [CL40]:** Planting standards moved to new section below.

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**18.54.090 Tree Relocation**

Tree relocation shall be carried out according to ~~B~~est ~~M~~anagement ~~P~~eractices, and trees proposed for relocation shall have a reasonable chance of survival.

**18.54.100 Tree Replacement Fund**

A. When trees are topped or removed without a permit, or if the number of replacement trees required by Table B A cannot be accommodated on-site, the Director shall require payment into the Tree Replacement Fund. The fee will be based on the current cost of the following:

1. The cost of purchasing and delivering a 2" caliper deciduous or 6' evergreen tree;
2. The cost of labor to install a tree;
3. The cost of supplies needed for the installation of a tree, including but not limited to, soil amendments, mulch, stakes etc.; and
4. The cost of maintenance of a new tree for at least three years, including but not limited to, watering, weeding, and pruning.

B. The cost of a replacement tree shall be updated annually in the Land Use Fee Schedule.

C. The money in this fund shall be used by the City or its contractor to purchase, plant and maintain trees on sites in the City.

~~C~~.D. Tree Replacement funds may be used by a single-family property owner to plant one or more street trees if approved by the Director and by the Public Works Department. The tree species must be approved by the City and be appropriate to the site conditions. The property owner is responsible for the site preparation and maintenance of the street tree, pursuant to TMC18.54.160.

**Commented [CL41]:** Added by the Advisory Committee. Need to confirm with Public Works.

**18.54.1120 Performance Assurance Applicant Security Required**

To mitigate ~~potential damages that may result from unauthorized tree removal or maintenance should they occur as a result of clearing which is not authorized by a Tree Clearing Permit,~~ the Director may require ~~from~~ the applicant to submit a bond, letter of credit, or other means of ~~assurance-security~~ acceptable to the City prior to issuance of a Tree Removal Permit, subject to the following provisions shall apply in instances where such securities are required:

**Commented [CL42]:** Revised from TMC 18.54.120

A. Tree Protection Assurance. The applicant may be required to post a three year-performance bond or other acceptable security device to ensure the installation, maintenance and adequate performance of tree protection measures during the construction process. The amount of this bond shall equal 150 percent of the City's estimated cost of replacing each replacement tree. The estimated cost per tree shall be the tree fee established by the City. Prior to DCD final inspection, any protected tree found to be irreparably damaged, severely stressed or dying shall be replaced according to the standards identified in this Chapter. The City may release all or part of the bond

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prior to the conclusion of the bonding period if the applicant demonstrates that the requirements of this section have been satisfied and there is evidence that the protected trees will survive.

**B.** Tree Maintenance Assurance. Where replacement trees are required, the applicant may be required to post a ~~one~~<sup>three</sup>-year replacement tree maintenance bond or other acceptable security device to ensure the survival of replacement trees. The amount of the maintenance bond shall equal 150 percent of the cost of plant material, periodic fertilizing and pruning, and labor until tree survival is ensured. In the event a required replacement tree becomes irreparably damaged, severely stressed or dies, the tree shall be replaced according to the standards in this Chapter. The City may release all or part of the bond prior to the conclusion of the bonding period if the applicant demonstrates that the requirements of this section have been satisfied and there is evidence that the protected trees will survive. **The requirement for tree maintenance shall be recorded on the title of the property and if the property is sold prior to the expiration of the on-year replacement tree maintenance bond, the developer shall assign the bond to the purchaser.**

**C.** Replacement trees damaged due to natural disasters, such as wind storms, hail, ice or snow storms, and earthquakes, shall be exempt from further replacement.

**D.** The applicant shall provide an estimate of the costs associated with the required performance bond or other security as described above. In lieu of an applicant's estimate, the performance assurance shall be equal to City staff's best estimate of possible costs to meet the above requirements. In no case shall the performance-assurance exceed an amount equal to two and one-half times the current cost of replacing the plants in accordance with the tree replacement provisions of this Chapter.

**E.** The performance assurances shall not be fully released without final inspection and approval of completed work by the City, submittal of any post-construction evaluations or following any prescribed trial maintenance period required in the permit.

**F.** Performance assurances provided in accordance with this Chapter may be ~~redeemed~~ enforced in whole or in part by the City upon determination by the Director that the applicant has failed to fully comply with approved plans and/or conditions.

**Commented [CL43]:** During the Advisory Committee's review, the question was raised on how to ensure the trees survive once the property is sold. The last sentence of B. (highlighted) attempts to address this concern.

**A.** **18.54.1290 Liability**

**A.** Liability for any adverse impacts or damages resulting from work performed in accordance with a Tree ~~Removal - Clearing~~ Permit ~~issued on behalf of the City within the City limits~~, will be the sole responsibility of the owner of the site for which the permit was issued.

**A-B.** Issuance of a Tree ~~Removal - Clearing~~ Permit and/or compliance with permit provisions or conditions shall not relieve an applicant from any responsibility otherwise imposed by law for damage to persons or property in an amount greater than the insured amount required by this ~~C~~chapter.

**Commented [CL44]:** Existing language in TMC 18.54.190, moved to this section. Revisions as noted.

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C. Nothing contained in this Cchapter shall be deemed to relieve any property owner ~~within the City limits~~ from the duty to keep any tree or vegetation upon his or her property or under his or her control in such condition as to prevent it from constituting a hazard or a nuisance pursuant to ~~per~~ TMC Chapter 8.28.

D. The amount of any security shall not serve as a gauge or limit to the compensation collected from a property owner as a result of damages associated with any vegetation clearing.

E. ~~Protection of Property.~~ The applicant shall at all times protect improvements to adjacent private properties and public rights-of-way or easements from damage during clearing. The applicant shall restore to the standards in effect at the time of the issuance of the permit any public or private improvements damaged by the applicant's operations.

**Commented [CL45]:** Moved from Permit Conformance section 18.54.160 C.

**18.54.1350 Permit Processing and Duration**

**Commented [CL46]:** Existing text – moved from 18.54.150.

A. ~~If the proposed vegetation clearing and permit application meet the requirements of this Chapter, the Director shall approve the application and issue the Tree Removal Permit.~~ All Tree Removal Permits and exceptions shall be processed as Type 1 decisions. Exceptions to the requirements of this Chapter shall be processed as a Type 2 decision.

B. If the Tree ~~Removal~~ Permit or Tree Exception Permit application is not approved, the Director shall inform the applicant in writing of the reasons for disapproval.

C. Tree ~~Removal~~ Permits expire one year after the date the permit is issued.

**18.54.140 Permit Exceptions**

**Commented [CL47]:** Existing code, TMC 18.54.140, except as noted in ~~strikeout~~/underline.

A. Exception Procedures – An applicant seeking an exception from this Chapter shall submit a Tree Exception Permit application in addition to the Tree Removal Permit application. Such application shall fully state all substantiating facts and evidence pertinent to the exception request, and include supporting maps or plans. The exception shall not be granted unless and until sufficient reasons justifying the exception are provided by the applicant and verified by the City. Approval of the exception is subject to the exception criteria outlined below.

**Commented [CL48]:** Highlighted language added by Advisory Committee.

**B. ~~A.~~ Exception Criteria**

1. The Director may grant exceptions from the requirements of this Cchapter when undue hardship may be created by strict compliance with the provisions of this Cchapter. Any authorization for an exception may prescribe conditions deemed necessary or desirable for the public interest, or necessary to meet the intent of this Cchapter.

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2. An exception to this ~~C~~chapter shall not be granted unless all of the following criteria are met:

- a. Strict compliance with the provisions of this code may jeopardize project feasibility or reasonable use of property.
- b. Proposed ~~tree vegetation~~ removal, replacement, and any mitigative measures proposed, are consistent with the purpose and intent given in this ~~C~~chapter.
- c. The granting of the exception or standard reduction will not be detrimental to the public welfare or injurious to other property in the vicinity.

3. In addition to the above criteria, the Director may also require review of an exception request by a third party Qualified Tree Professional~~consider any of the following in reviewing an exception request at the expense of the applicant.~~

- ~~a. The recommendation of a certified arborist supports the exception.~~
- ~~b. The size of the site or project cannot support the number of required replacement trees, and off-site tree planting is proposed which furthers the goals of this chapter and other City policies.~~
- ~~c. On-site planting of all required replacement trees is not feasible, and the project includes an equivalent contribution in funds and/or labor and materials for off-site tree planting as jointly agreed by the applicant and Director.~~
- ~~d. Smaller-sized replacement plants are more suited to the species, site conditions, and to the purposes of this chapter, and are planted in sufficient quantities to meet the intent of this chapter.~~

B. Retention and Replacement of Canopy Cover ~~on undeveloped sites or sites with dense stands of trees, where the cost of identification of individual tree species and sizes is inordinate relative to the project, the Director may allow the applicant to use the tree canopy cover approach outlined below to calculate retention and replacement of trees:~~

- ~~1. The site shall have a minimum canopy cover equal to 20% of the site area, or equal to the existing canopy cover whichever is less.~~
- ~~2. To meet the requirements for site canopy cover, canopy cover may consist of any combination of existing trees and replacement trees. Canopy cover of each new tree shall be calculated at 314 square feet.~~

C. Exception Procedures ~~An application for any exception from this chapter shall be submitted in writing by the property owner to the Director, and shall accompany the application for a Tree Clearing Permit. Such application shall fully state all substantiating facts and evidence pertinent to the exception request, and include supporting maps or plans. The Director shall not grant an exception unless and until sufficient reasons justifying the exception are provided by the applicant.~~

**Commented [CL49]:** This provision (d.) revised and moved to "Plant Materials" below.

**Commented [CL50]:** Moved to the Tree Retention section above., 18.54.040 B.4.

**Commented [CL51]:** Revised and moved to TMC 18.54.140 A. above



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**18.54.1560 Permit Conformance**

~~A. **Plan Conformance**~~ All work must be performed in accordance with approved Permit plans specified in this ~~C~~chapter or revised plans as may be determined by the Director. The applicant shall obtain permission in writing from the Director prior to modifying approved plans.

~~B. **Tree Protection Measures**~~ All tree and vegetation protection measures shown on approved permit drawings shall be installed prior to initiation of any clearing or land-altering activity.

**Commented [CL52]:** Covered in 18.54.040 B. 7.

**18.54.160 Soil Preparation, Plant Material and Maintenance Standards**

**Commented [CL53]:** New section

**A. Soil Preparation**

1. Soils must be prepared for planting by incorporating compost and/or topsoil to a depth of 12 inches throughout the planting area.

**Commented [CL54]:** A.1. And 2. Modified from TMC 18.52, landscaping regulations.

2. An inspection of the planting areas prior to planting may be required to ensure soils are properly prepared.

3. Installation of plants must comply with BMPs including, but not limited to:

**Commented [CL55]:** From TMC 18.52.070, landscaping regulations.

a. Planting holes that are the same depth as the size of the root ball and two to three times wider than the root ball.

b. Root balls of potted and balled and burlapped (B&B) plants must be loosened and pruned as necessary to ensure there are no encircling roots prior to planting. All burlap and all straps or wire baskets must be removed from B&B plants prior to planting.

c. The top of the root flare, where the roots and the trunk begin, should be placed at grade. The root ball shall not extend above the soil surface and the flare shall not be covered by soil or mulch. For bare root plants, ensure soil beneath roots is stable enough to ensure correct height of the tree.

d. If using mulch around trees and shrubs, maintain at least a 46-inch mulch-free ring around the base of the tree trunks and woody stems of shrubs. If using mulch around groundcovers until they become established, mulch shall not be placed over the crowns of perennial plants.

**B. Plant Material Standards**

**Commented [CL56]:** Text in this section adapted from TMC 18.52.060

1. Plant material shall be healthy, vigorous and well-formed, with well-developed, fibrous root systems, free from dead branches or roots. Plants shall be free from damage caused by temperature extremes, pre-planting or on-site storage, lack of or excess moisture, insects, disease, and mechanical injury. Plants in leaf shall show a full crown ~~be well~~

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~~foliated and be of good color. Plants shall be habituated to outdoor environmental conditions (i.e. hardened-off). There must be a diversity of tree and shrub genus and species in the site landscaping, taking into account species in existing development around the site.~~

**Commented [CL57]:** Accidental carry-over from Landscaping Chapter – does not apply since this Chapter addresses only trees.

2. Evergreen trees shall be a minimum of 6 feet in height at time of planting.
3. Deciduous trees shall have at least a 2-inch caliper at time of planting as measured 4.5 feet from the ground, determined according to the American Standard for Nursery Stock as it now reads and as hereafter amended.
4. Smaller plant stock may be substituted on a case by case basis with approval of the City's environmental specialist.
5. Tree spacing shall take into account the location of existing and new trees as well as site conditions.
- 4.6. ~~Where~~ there are overhead utility lines, the tree species selected shall of a type which, at full maturity, will not interfere with the lines or require pruning to maintain necessary clearances.

**Commented [CL58]:** From TMC 18.52.060 B.4

**C. Tree Maintenance and Pruning**

1. Pruning of trees should be for the health of the plant material, to maintain sight distances or sight lines, or if interfering with overhead utilities. All pruning must be done in accordance with American National Standards Institute (ANSI) A-300 specifications, as it now reads and as hereafter amended. No more than 25% of the tree canopy shall be pruned in any two-year period, except for fruit trees that are being pruned to increase harvest potential.
2. ~~All protected and replacement trees and vegetation shown in approved Tree Removal Clearing Permit materials shall be maintained in a healthy condition by the property owner throughout the life of the project, unless otherwise approved by the Director in a subsequent Tree Clearing Removal Permit.~~
3. Trees may only be pruned to lower their height to prevent interference with an overhead utility line with prior approval by the Director. The pruning must be carried out under the direction of an ISA Certified Arborist Utilities Specialist or performed by the utility provider under the direction of an ISA Certified Arborist Utilities Specialist. The crown shall be maintained to at least 2/3 the height of the tree prior to pruning.

**Commented [CL59]:** Modified from 18.52.080 C.

**Commented [CL60]:** Language related to fruit tree pruning added by Advisory Committee to allow more aggressive pruning of fruit trees, if needed.

**Commented [CL61]:** From TMC 18.54.160 D.

**Commented [CL62]:** Deleted at suggestion of Seattle City Light(SCL) as contractors carrying out pruning have an ISA Certified Arborist on-site however not always with the Utilities Specialist qualifications. The SCL supervisor is typically a Utilities Specialist – this person would have discussed the pruning project ahead of time with the pruning contractor.

**Commented [CL63]:** New section

**18.54.170 Heritage Trees and Heritage Groves**

- A. Heritage Trees or a Heritage Grove must be nominated for designation by, or approved for nomination by, the owner of the property on which the tree or grove is located.
- B. Designation Criteria: A tree or grove that meets the basic definition of Heritage Tree or Heritage Grove must also meet one or more of the following criteria:

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1. Has exceptional national, state or local historical significance including association with a historical figure, property, or significant historical event; or
2. Has an exceptional size or exceptional form for its species; or
3. Has an exceptional age for its species; or
4. Is the sole representative of its species in the area; or
5. Has exceptional botanical or ecological value.

Once approved, the Heritage Tree or Heritage Grove shall be identified by signage that provides information as to the tree's or grove's significance.

~~C. A grove of trees may be considered for Heritage Grove status if, in addition to meeting one or more of the criteria in subsection B. above, the grove meets one or more of the following criteria:~~

- ~~1. The grove is relatively mature and is of a rare or unusual nature containing trees that are distinctive either due to size, shape, species or age; or~~
- ~~2. The grove is distinctive due to a functional or aesthetic relationship to a natural resource, such as trees located along stream banks, or trees located along ridge lines; or~~
- ~~3. The grove has a documented association with a historical figure, property, or significant historical event.~~

D. Heritage Tree or Heritage Grove Development Review

1. When development is proposed for property that contains a Heritage Tree or Grove, and the Director determines that the proposed development may affect a Heritage Tree, the property owner must have a tree preservation plan prepared by a Qualified Tree Professional as approved by the Director arborist demonstrating how the Heritage Tree will be protected and preserved. A Heritage Tree shall be preserved using the tree protection and retention criteria of this Chapter.
2. A tree preservation plan shall be composed of the following:
  - a. A site plan indicating the location of Heritage Tree(s).
  - b. The methods to be used to preserve the Heritage Tree(s).
  - c. A mitigation plan indicating the replacement trees or additional new trees to be placed on the site. The mitigation plan should demonstrate, to the extent possible, that the character of the site will not substantially change as a result of development.
3. Site design adjustments may be approved in some cases for the subject property or an affected adjacent parcel, as follows:
  - a. Up to a 20% variance to front, side, and/or rear yard setback standards to retain a Heritage Tree(s) or Grove may be reviewed and granted as part of the underlying land use or construction permit. The adjustment shall be the minimum necessary to accomplish preservation of the Heritage Tree(s) or Grove on site and shall not conflict with other adopted ordinances or conditions placed on the property.

**Commented [CL64]:** The rest of this section is from the City of Vancouver, Washington's heritage tree regulations.

**Commented [CL65]:** Subsection C. deleted as the criteria to designate a Heritage Grove are similar to designating a Heritage Tree. Heritage Grove references integrated into B above.

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- b. Up to a 10% variance to the lot size and/or the lot width requirements in approving any land division if necessary to retain Heritage Tree(s) or Grove.
- 4. Removal of a Heritage Tree. No person may cut or remove a Heritage Tree without approval of a Type 2 permit. The Tree Removal Permit may be approved if one or more of the criteria below is met:
  - a. Retention of the tree would make reasonable use of the property allowed under the current zoning impractical or impossible; or
  - b. The removal is necessary to accommodate a new improvement, structure or remodeled structure, and no alternative exists for relocation of the improvement on the site, or that variances to setback provisions will not allow the tree to be saved or will cause other undesirable circumstances on the site or adjacent properties; or
  - c. The tree is hazardous, diseased or storm damaged and poses a threat to the health, safety or welfare of the public; or
  - d. The tree has lost its importance as a Heritage Tree due to damage from natural or accidental causes, or is no longer of historic or natural significance; or
  - e. The tree needs to be removed to accomplish a public purpose and no practical alternative exists.
- 5. The limb structure or crown of a Heritage Tree may be pruned in any one-year period without obtaining a Type 2 permit provided that at least 80% of the existing tree crown remains undisturbed.
- 6. Any person who wishes to prune a Heritage Tree or Grove in excess of 20% of the existing crown shall apply for a Tree Removal Permit and meet the following criteria.
  - a. The protected tree shall be pruned following acceptable arboricultural standards; and
  - b. The tree shall be pruned in a manner that ensures safety to public and private property and shall be carried out by an ISA certified arborist; and
  - c. Any other conditions necessary to ensure compliance with the goals and policies of the Comprehensive Plan.

**TMC 18.54.180 Approved and Prohibited Trees**

The City will maintain on file, and provide upon request, a list of approved trees for planting and trees that are prohibited from being planted in the City. These lists will be updated as new information becomes available.

**TMC 18.54.190 Violations**

- A. Failure to comply with any requirement of this Chapter shall be deemed a violation subject to enforcement pursuant to this Chapter and TMC 8.45.

**Commented [CL66]:** From landscaping Chapter, TMC 18.52.110.

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**B. Penalties.**

1. In addition to any other penalties or other enforcement allowed by law, any person who fails to comply with the provisions of this Chapter also shall be subject to a civil penalty assessed against the property owner as set forth herein. Each unlawfully removed or damaged tree shall constitute a separate violation.
2. Removal or damage of tree(s) without applying for and obtaining required City approval is subject to a fine of \$1,000 per tree, or up to three times the marketable value of each tree removed or damaged as determined by an ISA certified arborist.
3. Any fines paid as a result of violations of the Chapter shall be allocated as follows: 75% paid into the City's Tree Replacement Fund; 25% into ~~with the remainder going to~~ the General Fund.
4. The Director may elect not to seek penalties or may reduce the penalties if he/she determines the circumstances do not warrant imposition of any or all of the civil penalties.
5. Penalties are in addition to the restoration of removed ~~plant materials~~ trees through the remedial measures listed in TMC Section 18.54.200.
6. It shall not be a defense to the prosecution for a failure to obtain a permit required by this Chapter that a contractor, subcontractor, person with responsibility on the site or person authorizing or directing the work erroneously believes a permit was issued to the property owner or any other person.

**Commented [CL67]:** From landscaping Chapter

**Commented [CL68]:** Treble damages (3x) are allowed by RCW 64.12.030.

**TMC 18.54.200 Remedial Measures.**

In addition to the penalties assessed, the Director shall require any person conducting work in violation of this Chapter to mitigate the impacts of unauthorized work by carrying out remedial measures.

**Commented [CL69]:** Remedial Measures from TMC 18.52.180, Enforcement and moved to be its own subsection. Items A and B are new; items C.- F. are existing text moved from TMC 18.54.180 D.

- A. Any illegal removal of required trees shall be subject to obtaining a Tree ~~Removal~~ Permit and replacement with trees that meet or exceed the functional value of the removed trees.
- B. To replace the tree canopy lost due to the tree removal, additional trees must be planted on-site. Payment shall be made into the City's Tree Fund if the number of replacement trees cannot be accommodated on-site. The number of replacement trees required will be based on the size of the tree(s) removed as stated in Table B A.
- C. The applicant shall satisfy the permit provisions as specified in this Chapter.
- D. Remedial measures must conform to the purposes and intent of this Chapter. In addition, remedial measures must meet the standards specified in this Chapter. ~~and applicable standards for mitigation outlined in the Sensitive Areas Overlay District Chapter of this Title.~~
- E. Remedial measures must be completed to the satisfaction of the Director within 6 months of the date a Notice and Order is issued pursuant to TMC Chapter 8.45, or within the time period otherwise specified by the Director.
- F. The cost of any remedial measures necessary to correct violation(s) of this Chapter shall be borne by the property owner and/or applicant. Upon the applicant's failure to

**Commented [CL70]:** Revisions to TMC 18.45, the sensitive area regulations, will occur in 2018 and remedial measure for sensitive areas will be addressed there.

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implement required remedial measures, the Director may redeem all or any portion of any security submitted by the applicant to implement such remedial measures, pursuant to the provisions of this Chapter.

**18.54.210180 Enforcement**

**Commented [CL71]:** Existing text from TMC 18.54 that reflects revisions to the Enforcement section.

A. General. In addition to the Notice of Violation and Order measures prescribed in TMC Chapter 8.45, ~~Civil Violations, as now in effect or as amended hereafter,~~ the Director may take any or all of the enforcement actions prescribed in this Ordinance Chapter to ensure compliance with, and/or remedy a violation of this Ordinance Chapter; and/or when immediate danger exists to the public or adjacent property, as determined by the Director.

1. The Director may post the site with a "Stop Work" order directing that all vegetation clearing not authorized under a Tree Clearing Permit cease immediately. The issuance of a "Stop Work" order may include conditions or other requirements which must be fulfilled before clearing may resume.

2. The Director may, after written notice is given to the applicant, ~~OR~~ after the site has been posted with a "Stop Work" order, suspend or revoke any Tree Removal Clearing Permit issued by the City.

3. No person shall continue clearing in an area covered by a "Stop Work" order, or during the suspension or revocation of a Tree Clearing Removal Permit, except work required to correct an imminent safety hazard as prescribed by the Director.

B. Injunctive relief. Whenever the Director has reasonable cause to believe that any person is violating or threatening to violate this Chapter or any provision of an approved Tree Removal Clearing Permit, the Director may institute a civil action in the name of the City for injunctive relief to restrain the violation or threatened violation. Such civil action may be instituted either before or after, and in addition to, any other action, proceeding or penalty authorized by this Chapter or TMC Chapter 8.45.

C. Inspection access.

1. The Director may inspect a property ~~for the purpose of inspection for to ensure~~ compliance with the provisions of a Tree Removal Clearing Permit or this Chapter, consistent with TMC 8.45.070, Authority to Inspect.

2. ~~Where deemed necessary by t~~The Director may require a final inspection as a condition of to ensure compliance with Tree Removal Permit issuance to ensure compliance with this Chapter requirements, upon completion of all requirements of a

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~~Tree Removal Clearing Permit, the applicant shall request a final inspection by contacting the Director.~~ The permit process is complete upon final approval by the Director.

~~D. Remedial Measures Required.~~

~~1. The applicant shall satisfy the permit provisions as specified in this chapter.~~

~~2. Remedial measures must conform to the purposes and intent of this chapter. In addition, remedial measures must meet the standards specified in this chapter, and applicable standards for mitigation outlined in the Sensitive Areas Overlay District chapter of this title.~~

~~3. Remedial measures must be completed to the satisfaction of the Director within 6 months of the date a Notice and Order is issued pursuant to TMC Chapter 8.45, or within the time period otherwise specified by the Director.~~

~~4. The cost of any remedial measures necessary to correct violation(s) of this chapter shall be borne by the property owner and/or applicant. Upon the applicant's failure to implement required remedial measures, the Director may redeem all or any portion of any security submitted by the applicant to implement such remedial measures, pursuant to the provisions of this chapter.~~

~~18.54.150 Permit Processing and Duration~~

~~A. If the proposed vegetation clearing and permit application meet the requirements of this chapter, the Director shall approve the application and issue the Tree Clearing Permit. All Tree Clearing Permits and exceptions shall be processed as Type 1 decisions.~~

~~B. If the Tree Clearing Permit application is not approved, the Director shall inform the applicant in writing of the reasons for disapproval.~~

~~C. From the date of issuance, permits shall be valid for a period of 180 days.~~

**Commented [CL72]:** This section moved to become its own section see TMC 18.54.200 above.

**Commented [CL73]:** Moved to TMC 18.54.040 K & L

**Commented [CL74]:** Duration of permit is addressed in TMC 18.54.130 C. Time limit is increased to one year.