

**TOWN OF HUNTS POINT
WASHINGTON
ORDINANCE NO.**

**AN ORDINANCE OF THE TOWN OF HUNTS POINT,
WASHINGTON, REPEALING AND REENACTING HUNTS
POINT MUNICIPAL CODE CHAPTER 8.25 (TREE CODE);
PROVIDING FOR SEVERABILITY; AND ESTABLISHING
AN EFFECTIVE DATE**

WHEREAS, after substantial public input and review by the Parks Commission, the Town desires to amend its tree code to reflect the community's input;

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF HUNTS POINT, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Repealer. Hunts Point Municipal Code Chapter 8.25 is hereby repealed in its entirety.

Section 2. HPMC Chapter 8.25 (Tree Code) Re-Enacted. Hunts Point Municipal Code Chapter 8.25 (Tree Code) is hereby re-enacted to read as follows:

**Hunts Point Municipal Code (HPMC) Chapter 8.25
TREE CODE**

Sections:

8.25.010 Short title.

8.25.020 Definitions.

8.25.030 Town Arborist.

8.25.040 Purpose and Intent.

8.25.050 Tree Removal Permit – Required.

8.25.060 Tree Removal Permit – Application.

8.25.070 Tree Removal Permit – Issuance.

8.25.080 Emergency Tree Removal.

8.25.090 Mitigation.

8.25.100 Mitigation Tree Species Recommendations.

8.25.110 Appeals.

8.25.120 Violation – Penalty.

8.25.130 Violation – Nuisance.

8.25.140 Construction Site Tree Protection.

8.25.010 Short Title.

This chapter shall be known and may be cited as the "Tree Code" of the Town of Hunts Point.

**AN ORDINANCE OF THE TOWN OF HUNTS POINT, WASHINGTON,
REPEALING AND REENACTING HUNTS POINT
MUNICIPAL CODE CHAPTER 8.25 (TREE CODE);
PROVIDING FOR SEVERABILITY; AND ESTABLISHING
AN EFFECTIVE DATE**

WHEREAS, after substantial public input and review by the Planning Commission, the Town desires to amend its tree code to reflect the community's input;

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF HUNTS POINT, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1, Repealer. Hunts Point Municipal Code Chapter 8.25 8.25.020 Definitions.

"Caliper" synonym for trunk diameter used to measure the size of nursery stock; by convention, measured six inches above the ground for stems less than or equal to four inches and at 12 inches above the ground for stems greater than 4 inches.

"Canopy Cover" the proportion of ground surface covered by the canopy layer (s) when projected vertically downwards. Cover is usually expressed as a percentage.

(1) "Crown cleaning" means the removal of dead, dying, diseased, crowded, weakly attached or low-vigor branches, and watersprouts epicormic growth from a tree's crown which will not adversely affect the health of the tree. All pruning should comply with American National Standards Institute (ANSI) A300 standards.

(2) "Crown raising" means the removal of the lower branches of a tree in order to provide a height of up to eight feet for pedestrian clearance, up to 16 feet for vehicular clearance, or such other increased height as deemed appropriate for an allowed use on the lot upon which the tree is situated which will not adversely affect the health of the tree. All pruning should comply with American National Standards Institute (ANSI) A300 standards.

(3) "Crown thinning" means the selective removal of branches not to exceed more than 25 percent of the leaf surface to increase light penetration, and air movement, and to reduce weight. All pruning should comply with American National Standards Institute (ANSI) A300 standards.

"Crown reduction" means reducing the height or spread of a tree by performing appropriate pruning cuts. This is an appropriate method to reduce the end weight of lateral branches. All pruning should comply with American National Standards Institute (ANSI) 300 standards.

"DSH" diameter at standard height; the diameter of the trunk measured 54 inches (4.5 feet) above grade.

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~~“Deciduous tree” means any tree or other plant that loses its leaves sometime during the year and stays generally leafless during the cold season.~~

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~~(4) “Evergreen tree” means any tree that stays green all year, has needles or scales for leaves, and produces seeds in protective cones. This describes all protected trees and appropriate mitigated species.~~

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~~(5) “Hazardous tree” means any evergreen tree receiving an 11 or 12 rating under the Pacific Northwest chapter of the International Society of Arboriculture Tree Risk Assessor rating method set forth in “Hazardous Tree Analysis for Urban Areas,” “Tree Risk Assessment in Urban Areas and the Urban/Rural Interface,” which is hereby adopted by reference as Exhibit A, or any tree receiving a 9 or 10 rating under this method at the discretion of the town.~~

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~~“Groves” a group of 8 or more trees with a DSH of 6 inches or greater that form a continuous canopy. Trees that are part of a grove shall also be considered significant if they meet these criteria.~~

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~~“Qualified Professional” is an individual with a minimum of 3 years experience in tree evaluation and, where applicable, work directly with the protection of trees during construction along with one of the following qualifiers:~~

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- ~~• Society of American Foresters (SAF) Certified Forester~~
- ~~• American Society of Consulting Arborists (ASCA) Registered Consulting Arborist;~~
- ~~• Washington State Registered Landscape Architect; or~~
- ~~• International Society of Arborists (ISA) Certified Arborist with an Associate Degree and/or a minimum of 2 years of college-level credit and/or 120 Continuing Education Units.~~

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~~To undertake tree risk assessment, a qualified professional must have a Tree Risk Assessor certification as established by the Pacific Northwest Chapter of the International Society of Arboriculture (ISA) or equivalent experience and training.~~

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~~(6) “Root protection zone (RPZ)” means a the ground area around an evergreen a trees with one foot of radius in all directions for each inch of trunk diameter measured at four feet, six inches from the top of the root ball above grade. In no event shall the root protection zone be less than an eight-foot nor more than a 20-foot radius. In cases with substantial size trees, 24” DSH and greater, a suitable RPZ should be established at the discretion of the town arborist.~~

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~~(7) “Significant tree” means any evergreen species of tree as set forth in section 8.25.100 with a trunk diameter greater than or equal to eight inches, measured at four feet, six inches from the top of the root ball above grade or, or meets the criteria of grove trees.~~

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~~“Snag” refers to a standing, partly or completely dead tree, often missing a top or most of the smaller branches.~~

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is hereby repealed in its entirety.

4.02 — DETERMINATION OF MAINTENANCE REQUIREMENTS.

Commencement of Proceedings Process. Whenever the Building Official has inspected or caused to be inspected any building, structure, premises, land, or portion thereof, and determines that it is a substandard historic building, structure, vacant lot, or public way used or maintained in violation of this ordinance, he shall commence proceedings to cause the abatement of each violation. ~~[Is this section necessary? It requires the Building Official to take the actions already authorized under Section 2.01]~~

~~Section 2, 8.25.030 Town arborist.~~

~~The office of town arborist is hereby established for the purpose of assisting the town, when called upon to do so, in supervising and administering, and enforcing the provisions of this chapter. The town arborist shall review and prepare a written recommendation for each tree removal permit application received by the town.~~

~~8.25.040 Purpose and Intent~~

~~The Town Council has determined that a canopy cover of sixty percent (60%) of the land area of Hunts Point is aimed at maintaining and protecting the established character of the community. An instrument by which this will be achieved is through the enforcement of developed regulations.~~

~~The Tree Preservation Code recognizes trees and other vegetation as important elements of the physical environment that are integral to Hunts Point's community character. Protecting, enhancing, and maintaining healthy trees and vegetation are key community values. A goal is to achieve an overall tree canopy coverage of 60 percent for the community.~~

~~These regulations are adopted for the following purposes, which shall serve as standards for significant tree protection, the issuance of tree removal permits under HPMC 8.25.070, and the issuance of site development permits under HPMC 15.45.070:~~

~~(1) To promote the public health, safety, and general welfare of the citizens of Hunts Point in a manner consistent with the purposes addressed in the town's comprehensive plan;~~

~~(2) To preserve and enhance the town's physical and aesthetic character by preventing indiscriminate removal or destruction of evergreen trees on developed and undeveloped property;~~

~~(3) To preserve and enhance the dominance of the following characteristics historically present in the community:~~

~~(a) Shade from tall trees upon the public streets and ways;~~

~~(b) The presence of trees of substantial size, (24" DSH or greater); to obscure the view of artificial structures or surfaces from the public streets and ways and from adjoining properties; and~~

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(c) The presence of spacious areas of natural trees indigenous to forested lands of western Washington and historically present in the town;

(4) To encourage the retention of large trees for the abatement of noise, and for wind protection;

(5) To promote building and site development practices consistent with the town's natural topography and historically dominant vegetation features;

(6) To minimize surface and ground water runoff and diversion, to retain undisturbed native soil for absorbing, filtering, and reducing runoff and water pollution to prevent erosion of the soil, siltation and water pollution in Lake Washington, and to minimize the need for additional storm drainage facilities;

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(7) To preserve the existing and unique advantages of the town environment for quiet, secluded, and peaceful residential living;

(8) To retain trees and ground cover for the purpose of reducing air pollution, and providing wildlife habitat; and

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(9) To implement the goals and objectives of the Washington State Environmental Policy Act and the State Shoreline Management Act;

(10) To promote and ensure careful construction methods, techniques, and procedures that will minimize impact to evergreen trees on site and on adjacent properties, and to require site restoration and replanting following construction; and

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(11) To protect significant trees as a community resource and to prevent a net loss of evergreen trees and canopy cover;

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(12) To provide procedures to implement the Town's current and future tree management plans;

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HPMC Chapter 8.25 (Tree Code) Re-Enacted. – Hunts Point Municipal Code Chapter 8.25 (Tree Code) is hereby re-enacted to read as follows:

8.25.050 Tree removal permit – Required.

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No person, corporation or other entity shall remove or destroy, or cause to be removed or destroyed, a significant tree without first having obtained a tree removal permit from the town.

A permit shall not be required for pruning that complies with American National Standards Institute (ANSI) A300 standards. ~~crown cleaning, crown raising, and crown thinning.~~ A permit shall not be required for the removal of trees less than 6 inches DSH that are part of a groves contiguous canopy given that their removal does not damage the health of the grove.

8.25.060 Tree removal permit – Application.

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(1) An application for a tree removal permit shall be submitted on a form provided by the town and shall be accompanied by all of the following documents and information as are determined to be necessary by the town:

- (a) Name, address, and telephone number of applicant and owner of property;
- (b) A plot plan showing the location of improvements, and the location of the tree(s) proposed for removal, and adjacent vegetation that may be impacted from proposed activities;
- (c) Reason for removal;
- (d) A preliminary plan indicating the locations and species for all trees to be planted as mitigation;
- (e) An indication that neighboring property owners are aware of the application, either by signature, or by United States Postal Service return receipt if the property owner is unavailable for signature; and
- (f) Any other information as deemed necessary by the town to further the purposes of this chapter.

(2) The town shall complete its review and make its decision within a reasonable amount of time after a complete application is submitted.

(3) Any permit granted for the removal of a significant tree shall expire six months from the date of issuance. Upon a showing of good cause, a permit may be extended for six months.

8.25.070 Tree removal permit – Issuance.

(1) A tree removal permit will be issued when it is determined by the town that such tree removal will be consistent with the purposes stated in HPMC 8.25.040 and also that it is reasonably necessary for one or more of the following reasons:

- (a) The tree is dead;
- (b) The tree is hazardous, as defined in HPMC 8.25.020(5) (10);
- (c) New construction or additions to existing structures which cannot be reasonably located without such tree removal, and which otherwise comply with zoning and building code requirements; for purposes of this section, “new construction or additions to existing structures” includes pools, sport courts, and similar recreational facilities;
- (d) A driveway of customary and reasonable width serving an existing or permitted new garage cannot be reasonably located without such tree removal;
- (e) The avoidance of a substantial risk of damage to an existing residential structure, garage or electrical, telephone or other utility line; provided, no permit shall be issued if said risk may reasonably be avoided by pruning, trimming or any other operation without the complete removal of tree or the creation of a snag;

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(f) The installation and maintenance of fire hydrants or water meters or other permanent street fixtures by the town or its contractors cannot be reasonably accomplished without such tree removal.

(2) If the applicant asserts that the tree removal is necessary solely to assure that the property enjoys reasonable amounts of light and view, the tree removal permit application shall be processed as a variance by the hearing examiner, pursuant to the procedure set forth in Chapter 18.55 HPMC.

(3) All work for which a permit is required under this chapter shall be subject to inspection by the town.

8.25.080 Emergency tree removal.

(1) A significant tree may be removed without a tree removal permit in an emergency situation involving immediate danger to life or property or substantial fire hazards so long as the following requirements are met:

- (a) The town is notified within five business days of the tree having been removed; and
- (b) The town is provided such information as the town requests in order to verify the emergency, photographic documentation will be required.

(2) If the town determines that a tree removal permit is required for trees removed under this section, a tree removal permit must be applied for within 20 days following the removal of the tree.

8.25.090 Mitigation in cases of permitted tree removal.

(1) Whenever a significant tree is legally removed or destroyed pursuant to a validly issued tree removal permit, the owner of the property upon which said tree was located shall replace it with two similar evergreen tree species or such species as recommended by the town arborist.

Replacement evergreen trees will be with a minimum height of eight feet tall and have a full, well developed crown of foliage. Deciduous trees shall be 3 inches in caliper, measured six inches above grade.

Mitigation is to occur on site unless other arrangements are made with the town, as set forth in subsection (3) of this section, or at a location determined by the town arborist.

(2) Mitigation requirements must be met within six months of the tree removal. In the case of concurrent new construction, addition or site development project, mitigation requirements must be met before final inspection or certificate of occupancy is issued. If trees are removed pursuant to a site addition or development project but the development does not subsequently occur within the area originally proposed, mitigation must occur in accordance with the provisions in this section. Trees planted as mitigation must be maintained with adequate water and care to survive a three-year warranty period or be replaced at the applicant's expense.

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An annual site inspection by the Town Arborist or, an annual report by a qualified professional, shall be provided for each of the three years that discusses the health condition of the trees. The cost of the inspection or report is to be paid for by the applicant.

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(3) ~~In~~ At its sole discretion after request by a tree removal permit applicant, the town may agree to replant new trees required as mitigation under subsection (1) of this section within the right-of-way or on other public property. In such cases, the permit applicant shall pay into the town's tree mitigation account the installed tree cost value of the mitigation trees otherwise required by subsection (1) of this section, as that installed tree cost value is determined by the town arborist pursuant to then-current edition of the "Guide for Plant Appraisal," published by the International Society of Arboriculture, Pacific Northwest Chapter of the International Society of Arboriculture's Species Ratings for Landscape Tree Appraisal, and hereby adopted by reference as Exhibit B C. A list of sample significant tree value ranges for common Hunts Point trees may be obtained from Town Hall. Payments into the tree mitigation account shall be used by the town for acquiring, maintaining, and preserving wooded areas, and for the planting and maintaining of trees within the town. Penalties and other sanctions for unpermitted tree removal are set forth in HPMC 8.25.120 and 8.25.130.

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8.25.100 Mitigation tree species ~~recommendations.~~

Trees planted as mitigation, whether on the applicant's property or on public property pursuant to HPMC 8.25.090(3), should replace the same species removed wherever possible ~~or with a~~ ~~species recommended by the Town Arborist.~~ The following list of tree species should be used as mitigation until the Town Council adopts, by Resolution, a management plan or handbook that sets forth required species to be used for mitigation.

The following native conifers are strongly recommended:

Western Red Cedars (Thuja plicata),

Douglas Firs (Pseudotsuga menziesii),

Western and Mountain Hemlocks (Tsuga heterophylla or T. mertensiana) or Incense Cedar (Calocedrus decurrens).

Dwarf varieties of these species can be used when appropriate. When native conifers are not practicable, the following non-native species are recommended:

Japanese Black Pine (Pinus thunbergiana),

Scots Pine (Pinus sylvestris),

Leyland Cypress (Cupressocyparis leylandii)

Italian Stone Pine (Pinus pinea).

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8.25.110 Appeals.

Any person or persons aggrieved by any action of the town relating to a tree removal permit, including any person receiving a civil citation or order imposing fines, may, within 10 days of such action, file a notice of appeal to the hearing examiner, setting forth the reasons for such an appeal. The hearing examiner shall hear and determine the matter in accordance with the rules and procedures set out in HPMC Title 18 and may affirm, modify or disaffirm the administrative decision within 45 days of the filing of the notice of appeal.

8.25.120 Violation – Penalty for unpermitted tree removal.

(1) A violation of any of the provisions of this chapter shall be a civil infraction and any person, corporation or other entity found guilty thereof shall be punished by receive a fine of not to exceed \$10,000 per violation plus an amount equaling the appraised value of the original tree on the property. Failure to comply with any condition of a permit shall receive a \$1,000 fine plus any mitigation towards compensating for the value loss of the tree. It shall be a separate offense for each and every act in violation of any of the provisions of this chapter. It shall furthermore be a separate offense for each and every tree removed in violation of this chapter.

The value of the removed trees shall be determined by the town arborist following the methodology published in the then-current edition of the "Guide for Plant Appraisal," published by the International Society of Arboriculture, and hereby adopted by reference as Exhibit B.

(2) In addition to the penalty mentioned in subsection (1) of this section, trees that were unlawfully removed or damaged shall be replaced in accordance with Sections 8.25.090 and 8.25.100.

8.25.130 Violation – Nuisance.

Any violation of the provisions of this chapter is hereby declared to be public nuisance and may be abated through proceedings for injunctive or similar relief in superior court or other court of competent jurisdiction. In addition to any monetary penalty assessed under this chapter, replanting of trees equal in value to those removed or destroyed without a valid tree removal permit shall be required. The value of the removed trees shall be determined by the town arborist following the methodology published in the then-current edition of the "Guide for Plant Appraisal," published by the International Society of Arboriculture, and hereby adopted by reference as Exhibit B.

Fines levied under this chapter shall be deposited into the tree mitigation account and shall be used by the town for acquiring, maintaining, and preserving wooded areas, and for the planting and maintaining of trees within the town.

8.25.140 Construction site tree protection.

A pre application meeting with appropriate Town staff and arborist is required prior to the submittal of a tree removal permit on properties proposed for construction.

All significant trees on the property should be accurately located on the site survey. All significant trees on adjacent properties within 20 feet of the applicant's property shall be accurately located on the site survey.

(1) All significant trees on and off of the property with potential to be impacted by site development or construction must be protected during and preserved after such development or construction activities. This shall include significant trees on adjacent lots that may be impacted. Tree protection requires the installation of a rigid cyclone fence, six feet in height located just

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outside the root protection zone. In the case of trees along a driveway or public right of way, plywood fencing no less than six feet in height may be used in lieu of a rigid cyclone fence. No debris or construction materials may be stored, nor grade changes occur, within this protected area.

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The following tree protection requirements must be included into site planning documents:

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1. Tree protection fencing or other barriers shall be installed along all clearing limits just outside of a tree's Root Protection Zone (RPZ). Tree protection fencing shall be the installation of a rigid cyclone fence, six feet in height located just outside the root protection zone. In the case of trees along a driveway, public right-of-way, or high traffic areas, plywood fencing no less than six feet in height may be used in lieu of a rigid cyclone fence. A moveable panel or gate should be part of the fencing or barrier to allow access to the RPZ.
2. All tree protection fencing shall be installed and its location approved by the Town Arborist prior to the commencement of work on site.
3. A two to four inch deep layer of arborist woodchip mulch shall be placed over the soil in the RPZ. Hog fuel is acceptable.
4. No debris or construction materials may be stored, nor grade changes occur, within this protected area. No parking, dumping, or burning is allowed.
5. Work required for removal of unwanted vegetation within the RPZ areas will be hand work only, NO HEAVY EQUIPMENT.
6. When removing trees outside of the RPZ determined to be unacceptable for retention, use methods such as directional felling to avoid damage to trees and other valuable vegetation that is being retained. Small trees and other native vegetation in these areas should be carefully preserved.
7. Where utility trenches are required in the rights-of-way, side property setbacks, and RPZs; it is required to tunnel under or around roots by drilling, auger boring, pipe jacking or hand digging.
8. Tree stumps that are within a RPZ or immediately adjacent to the RPZ of a preserved tree or other vegetation shall be removed by grinding.
9. Where it has been determined that roots of a preserved tree may be encountered during excavation or grading, a Certified Arborist shall be on site to supervise any root pruning and to assess the potential impact of such pruning. Any root greater than 1.5" diameter that is encountered shall be carefully cut with a sharp tool. Roots cut shall be immediately covered with soil or mulch and kept moist.
10. Where access for machinery or any vehicle is required within the RPZ of any preserved tree, the soil should be protected from compaction. Acceptable methods include 18" of wood chips or hog fuel, plywood, or steel sheets. The Town Arborist should be contacted a minimum of 48 hours before entering into the RPZ.
11. Tree protection fencing shall not be moved without authorization from the site supervisor. All fencing is to be left in place until the completion of the project.

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12. Landscaping specified within the RPZ areas shall be designed to limit disturbance of surface soils and preserved vegetation. No root pruning is permitted. New plants added in these areas should be of the smallest size possible to minimize disturbance.

13. Any trees adjacent to high traffic areas or building envelopes shall be pruned by an International Society of Arboriculture Certified Arborist using ANSI A300 American Standards for Pruning to remove dead wood, provide clearance, and cabling or bracing.

14. Supplemental irrigation for all protected trees is required during the summer months or prolonged periods of dry weather as determined by a qualified professional.

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(2) Exceptions to this requirement may be requested, and must be accompanied by a report prepared by an outside consulting arborist. Exceptions will be granted by the town only if an appropriate alternative plan for significant tree protection is proposed which will result in the protection of all significant trees.

3. There shall be a rebuttable presumption that any development or construction activity is responsible for the failure of any tree within the RPZ that fails within two (2) years from the date that a development or construction activity receives final approval.

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Hunts Point Municipal Code (HPMC) Chapter 8.25
TREE CODE

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Sections:

8.25.010 Short title.

8.25.020 Definitions.

8.25.030 Town Arborist.

8.25.040 Purpose.

8.25.050 Tree Removal Permit Required.

8.25.060 Tree Removal Permit Application.

8.25.070 Tree Removal Permit Issuance.

8.25.080 Emergency Tree Removal.

8.25.090 Mitigation.

8.25.100 Mitigation Tree Species Recommendations.

8.25.110 Appeals.

8.25.120 Violation Penalty.

8.25.130 Violation Nuisance.

8.25.140 Construction Site Tree Protection.

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8.25.010 Short Title.

This chapter shall be known and may be cited as the “Tree Code” of the Town of Hunts Point.

8.25.020 Definitions.

~~(1) “Crown Cleaning” means the removal of dead, dying, diseased, crowded, weakly attached or low vigor branches, and watersprouts from a tree’s crown which will not adversely affect the health of the tree.~~

~~(2) “Crown Raising” means the removal of the lower branches of a tree in order to provide a height of up to eight (8) feet for pedestrian clearance, up to sixteen (16) feet for vehicular clearance, or such other increased height as deemed appropriate for an allowed use on the lot upon which the tree is situated which will not adversely affect the health of the tree.~~

~~(3) “Crown Thinning” means the selective removal of branches not to exceed more than twenty-five percent (25%) of the leaf surface to increase light penetration and air movement, and to reduce weight.~~

~~(4) “Evergreen Tree” means any tree that stays green all year, has needles or scales for leaves, and produces seeds in protective cones. This describes all protected trees and appropriate mitigated species.~~

~~(5) “Hazardous Tree” means any evergreen tree receiving an eleven (11) or twelve (12) rating under the International Society of Arboriculture rating method set forth in *Hazardous Tree Analysis for Urban Areas*, which is hereby adopted by reference as Exhibit A, or any tree receiving a nine (9) or ten (10) rating under this method at the discretion of the Town.~~

~~(6) “Root Protection Zone” means a ground area around an evergreen tree with one foot of radius in all directions for each inch of trunk diameter measured at four (4) feet six (6) inches from the top of the root ball. In no event shall the root protection zone be less than a six foot radius an eight (8) foot nor more than a twenty (20) foot radius.~~

~~(7) “Significant Tree” means any evergreen tree with a trunk diameter greater than or equal to eight (8) inches measured at four (4) feet six (6) inches from the tip of the root ball.~~

8.25.030 Town Arborist.

~~The office of Town Arborist is hereby established for the purpose of assisting the Town, when called upon to do so, in supervising and administering the provisions of this chapter. The Town Arborist shall review and prepare a written recommendation for each Tree Removal Permit application received by the Town.~~

8.25.040 Purpose.

~~These regulations are adopted for the following purposes, which shall serve as standards for significant tree protection, the issuance of tree removal permits under HPMC 8.25.070, and the issuance of site development permits under HPMC 15.45.070:~~

~~(1) To promote the public health, safety, and general welfare of the citizens of Hunts Point in a manner consistent with the purposes addressed in the Town's Comprehensive Plan;~~

~~(2) To preserve and enhance the Town's physical and aesthetic character by preventing indiscriminate removal or destruction of evergreen trees and ground cover on developed and undeveloped property;~~

~~(3) To preserve and enhance the dominance of the following characteristics historically present in the community:~~

~~(a) Shade from tall trees upon the public streets and ways;~~

~~(b) The presence of trees of substantial size to obscure the view of artificial structures or surfaces from the public streets and ways and from adjoining properties, and;~~

~~(c) The presence of spacious areas of natural trees and ground cover indigenous to forested lands of Western Washington and historically present in the Town;~~

~~(4) To encourage the retention of large trees for the abatement of noise, for wind protection, and to minimize devaluation of property values due to the unnecessary destruction of the same;~~

~~(5) To promote building and site development practices consistent with the Town's natural topography and historically dominant vegetational features;~~

~~(6) To minimize surface and ground water runoff and diversion, to prevent erosion of the soil, siltation and water pollution in Lake Washington, and to minimize the need for additional storm drainage facilities;~~

~~(7) To preserve the existing and unique advantages of the Town environment for quiet, secluded, and peaceful residential living;~~

~~(8) To retain trees and ground cover for the purpose of reducing air pollution, and providing wildlife habitat;~~

~~(9) To implement the goals and objectives of the Washington State Environmental Policy Act and the State Shoreline Management Act;~~

~~(10) To promote and ensure careful construction methods, techniques, and procedures that will minimize impact to evergreen trees, and to require site restoration and replanting following construction; and~~

~~-(1) To protect significant trees as a community resource and to prevent the loss of evergreen trees.~~

~~8.25.050 Tree Removal Permit—Required.~~

~~No person, corporation or other entity shall remove or destroy, or cause to be removed or destroyed, a significant tree without first having obtained a tree removal permit from the Town. A permit shall not be required for crown cleaning, crown raising, and crown thinning.~~

~~8.25.060 Tree Removal Permit—Application.~~

~~-(1) An application for a tree removal permit shall be submitted on a form provided by the Town and shall be accompanied by all of the following documents and information as are determined to be necessary by the Town:~~

~~-(a) Name, address, and telephone number of applicant and owner of property;~~

~~-(b) A plot plan showing the location of improvements and the location of the tree proposed for removal;~~

~~-(c) Reason for removal;~~

~~-(d) A preliminary plan indicating the locations and species for all trees to be planted as mitigation, and~~

~~-(e) Any other information as deemed necessary by the Town.~~

~~-(2) The Town shall complete its review and make its decision within a reasonable amount of time after a complete application is submitted.~~

~~-(3) Any permit granted for the removal of a significant tree shall expire six (6) months from the date of issuance. Upon a showing of good cause, a permit may be extended for six (6) months.~~

~~8.25.070 Tree Removal Permit—Issuance.~~

~~-(1) A tree removal permit will be issued when it is determined by the Town that such tree removal will be consistent with the purposes stated in HPMC 8.25.040 and also that it is reasonably necessary for one or more of the following reasons:~~

~~-(a) The tree is dead;~~

~~-(b) The tree is hazardous, as defined in HPMC 8.25.020(5);~~

~~-(c) New construction or additions to existing structures, which cannot be reasonably located without such tree removal, and which otherwise comply with zoning and building code requirements. For purposes of this section, "new construction or additions to existing structures" includes pools, sport courts, and similar recreational facilities., cannot be reasonably located without such tree removal;~~

~~-(d) A driveway of customary and reasonable width serving an existing or permitted new garage cannot be reasonably located without such tree removal;~~

~~-(e) The avoidance of a substantial risk of damage to an existing residential structure, garage or electrical, telephone or other utility line; provided, no permit shall be issued if said risk may reasonably be avoided by pruning, trimming or any other operation without the complete removal of a tree;~~

~~-(f) The installation and maintenance of fire hydrants or water meters or other permanent street fixtures by the Town or its contractors cannot be reasonably accomplished without such tree removal, or~~

~~-(g) After first exhausting all reasonable efforts at crown cleaning, crown raising, and crown thinning, the building official determines that the tree removal is necessary to assure that the property enjoys reasonable amounts of light and view when compared to adjoining properties.~~

~~(g) For lots with an overgrown significant tree condition as determined by the Town Arborist, a property owner may remove up to five percent (5%) of the significant trees on the lot in question if a Five Year Tree Plan is submitted to and approved by the Town. A complete Five Year Tree Plan shall include the following information:~~

~~—(i) A survey of all significant trees on the lot;~~

~~—(ii) A list of all significant trees to be removed during the five year period covered by the plan;~~

~~—(iii) Anticipated dates of removal;~~

~~—(iv) A preliminary planting plan indicating the locations and species for all trees to be planted for mitigation purposes;~~

~~—(v) A report prepared by an outside consulting arborist outlining the unusual conditions of the lot which cause the lot to have an overgrown significant tree condition.~~

~~-(2) All work for which a permit is required under this chapter shall be subject to inspection by the Town.~~

8.25.080 Emergency Tree Removal.

~~(1) A significant tree may be removed without a tree removal permit in an emergency situation involving immediate danger to life or property or substantial fire hazards so long as the following requirements are met:~~

~~(a) The Town is notified within five (5) business days of the tree having been removed; and~~

~~(b) The Town is provided such information as the Town requests in order to verify the emergency.~~

~~(2) If the Town determines that a Tree Removal Permit is required for trees removed under this Section, a Tree Removal Permit must be applied for within twenty (20) days following the removal of the tree.~~

8.25.090 Mitigation in Cases of Permitted Tree Removal.

~~(1) Whenever a significant tree is legally removed or destroyed pursuant to a validly issued tree removal permit, the owner of the property upon which said tree was located shall replace it with three (3) similar evergreen trees each with a minimum height of eight (8) feet and a full, well-developed crown of foliage. In no case shall mitigation requirements for trees trees lawfully removed under the emergency provisions of HPMC 8.25.080 exceed one (1) such replacement tree for each significant tree removed or destroyed. Mitigation is to occur on site unless other arrangements are made with the Town, as set forth in subsection (3), below.~~

~~(2) Mitigation requirements must be met within six (6) months of the tree removal. In the case of concurrent new construction, addition or site development project, mitigation requirements must be met before final inspection or certificate of occupancy is issued. Trees planted as mitigation must be maintained with adequate water and care to survive a three (3) year warranty period or be replaced.~~

~~(3) In its sole discretion after request by a tree removal permit applicant, the Town may agree to replant new trees required as mitigation under subsection (1) within the right of way or on other public property. In such cases, the permit applicant shall pay into the Town's Tree Mitigation Account the value of the mitigation trees otherwise required by subsection (1), as that value is determined by the Town Arborist pursuant to then current edition of the *Guide for Plant Appraisal*, published by the International Society of Arboriculture, and hereby adopted by reference as Exhibit B. A list of sample significant tree value ranges for common Hunts Point trees may be obtained from Town Hall.~~

~~Penalties and other sanctions for unpermitted tree removal are set forth in HPMC 8.25.120 and HPMC 8.25.130.~~

8.25.100 Mitigation Tree Species Recommendations.

~~Trees planted as mitigation, whether on the applicant's property or on public property pursuant to HPMC 8.25.090(3), should replace the same species removed wherever possible. The Town shall establish a "Tree Mitigation Account" to collect mitigation fines not to exceed \$10,000 for each violation and contributions, and to replant trees in Town right of ways. The following native conifers are strongly recommended: Western Red Cedars (*Thuja plicata*), Douglas Firs (*Pseudotsuga menziesii*), Western and Mountain Hemlocks (*Tsuga heterophylla* or *T. mertensiana*) or Incense Cedar (*Calocedrus decurrens*). Dwarf varieties of these species can be used when appropriate.~~

~~When native conifers are not practicable, the following non native species are recommended: Japanese Black Pine (*Pinus thunbergiana*), Scots Pine (*Pinus sylvestris*), Leyland Cypress (*Cupressocyparis leylandii*) or Italian Stone Pine (*Pinus pinea*).~~

~~8.25.110 Appeals.~~

~~Any person or persons aggrieved by any action of the Town relating to a Tree Removal Permit may, within ten (10) days of such action, file a notice of appeal to the Hearing Examiner, setting forth the reasons for such an appeal. The Hearing Examiner shall hear and determine the matter in accordance with the rules and procedures set out in HPMC Title 18 and may affirm, modify or disaffirm the administrative decision within forty five (45) days of the filing of the notice of appeal.~~

~~8.25.120 Violation — Penalty for Unpermitted Tree Removal.~~

~~A violation of any of the provisions of this chapter shall be a civil infraction and any person, corporation or other entity found guilty thereof shall be punished by a fine not to exceed five ten thousand dollars (\$510,000). It shall be a separate offense for each and every act in violation of any of the provisions of this chapter. It shall furthermore be a separate offense for each and every tree removed in violation of this chapter.~~

~~8.25.130 Violation — Nuisance.~~

~~Any violation of the provisions of this chapter is hereby declared to be public nuisance and may be abated through proceedings for injunctive or similar relief in superior court or other court of competent jurisdiction.~~

~~In addition to any monetary penalty assessed under this chapter, replanting of trees equal in value to those removed or destroyed without a valid tree removal permit lost through negligence, breach of permit conditions, and unauthorized clearing and removal shall be required. The value of the removed trees shall be determined by an outside consulting the Town Arborist certified by the International Society of Arboriculture following the methodology published in the then current edition of the *Guide for Plant Appraisal*, published by the International Society of Arboriculture, and hereby adopted by reference as Exhibit B. A list of sample significant tree value ranges for common Hunts Point trees may be obtained from Town Hall.~~

~~Revenue generated from fines levied under this chapter shall be deposited into the Tree Mitigation Account and shall be used by the Town for acquiring, maintaining, and preserving wooded areas, and for the planting and maintaining of trees within the Town.~~

~~**8.25.140 Construction Site Tree Protection.**~~

~~(1) All significant trees impacted by site development or construction must be protected during such development or construction. Tree protection requires the installation of a rigid cyclone fence, six (6) feet in height located just outside the root protection zone. In the case of trees along a driveway or public right-of-way, plywood fencing no less than six (6) feet in height may be used in lieu of a rigid cyclone fence. No debris or construction materials may be stored, nor grade changes occur, within this protected area.~~

~~(2) Exceptions to this requirement may be requested, and must be accompanied by a report prepared by an outside consulting arborist. Exceptions will be granted by the Town only if an appropriate alternative plan for significant tree protection is proposed which will result in the protection of all significant trees.~~

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

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Section 4. Effective Date. This Ordinance shall be published in the official newspaper of the Town, and shall take effect and be in full force five (5) days after the date of publication.

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ADOPTED BY THE TOWN COUNCIL AT A REGULAR MEETING THEREOF ON
THE ____ DAY OF _____, ~~2000~~2009.

TOWN OF HUNTS POINT

Mayor Fred McConkey

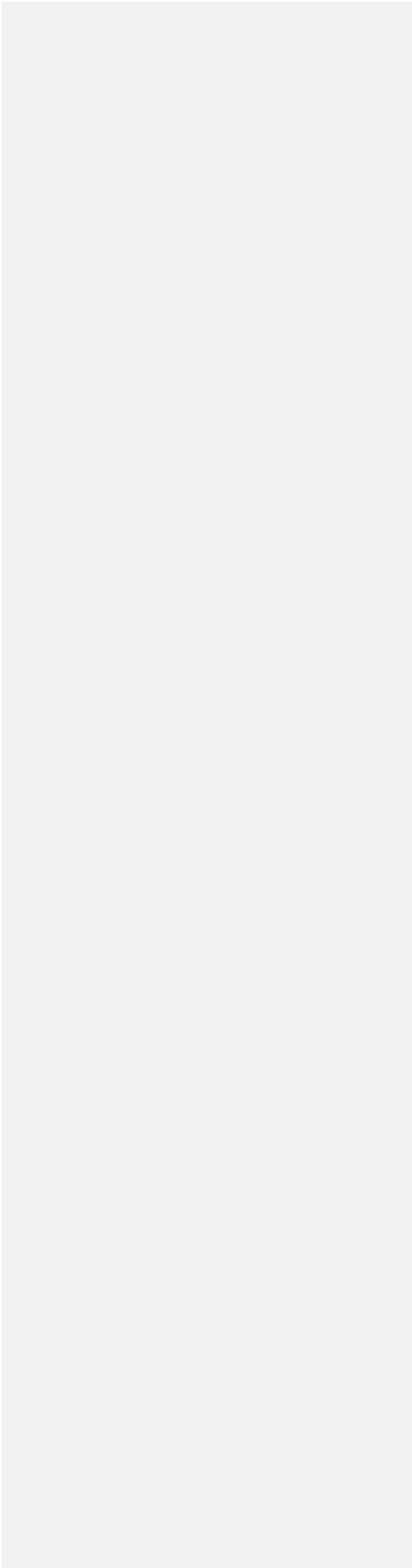
ATTEST/AUTHENTICATED:

Jack McKenzie, Town Administrator

Approved as to form:

| _____
~~Michael R. Kenyon~~ Margaret J. King, Assistant Town Attorney

Filed with the Town Clerk:
Passed by the Town Council:
Date of Publication:
| Effective Date:



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