

Chapter 23.20 ECDC - Tree Conservation

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Findings [for ordinance]

The city of Edmonds makes the following findings:

A. The trees of Edmonds offer historic, aesthetic, ecological, economic, health, safety and welfare values to the community.

Trees in the city of Edmonds:

1. Improve the value of properties;
2. Reduce runoff via canopy interception, uptake of water from the soil and evapotranspiration back into the atmosphere;
3. Reduce runoff which results in less soil erosion and stormwater which aids in protecting surface waters from sedimentation and pollution;
4. Reduce the risk of flooding and infrastructure costs;
5. Improve air quality by removing dust and particulates from the air, and remove carbon dioxide while creating oxygen;
6. Provide cooling shade for homes, buildings, and asphalt/concrete surfaces, reducing heating and cooling costs for residences and other buildings;
7. Provide screening between different land uses or other objectionable views while buffering traffic and other noise;
8. Provide food and habitat for a variety of wildlife;
9. Provide visual relief from hard lines of concrete structures and other buildings;
10. Increase consumer patronage for commercial properties and boost occupancy rates for well-treed shopping areas;
11. Store carbon;
12. Contribute to human health improvement by lowering levels of fear of residents, and less violent and aggressive behavior by its citizens;
13. Encourage better neighbor relations and better coping skills for its residents; and
14. Provide a valuable asset to the community as a whole.

B. Removal of trees from communities such as Edmonds has resulted in the loss to the public of these and many more beneficial functions of trees.

23.20.010 Purpose and Intent

The purpose and intent of this chapter is to:

- A. Preserve and enhance the tree canopy of Edmonds by encouraging the protection of existing trees and stands of trees, and the replanting of new trees to replace those lost to old age, storms, development and other circumstances;
- B. Mitigate the economic, environmental and aesthetic consequences of tree loss through retention and tree planting on public and private land;
- C. Provide guidelines to protect trees from adverse impacts during development;
- D. Encourage project designs that utilize viable trees in the landscape;
- E. Protect private property rights and allow property owners to make reasonable use of their property while protecting suitable and appropriate trees for that site; and
- F. Maintain and protect the public health, safety, and general welfare.

23.20.020 Definitions

“Administrator” means the development services director or the development services director’s designee.

“Best management practices (BMPs)” means adherence to tree health care standards detailed in the American National Standards Institute (ANSI) A300, the standards for proper tree care and relevant International Society of Arboriculture (ISA) best management practices companion publications.

“Border tree” means a tree whose trunk is located on both the right-of-way and private property or whose trunk is located on the property line of two adjacent parcels..

“Caliper” means the industry standard for measurement of nursery stock size. Caliper is measured six inches above the root collar for nursery stock four inches in diameter and smaller.

“Canopy” means the part of the tree crown composed of leaves and small twigs or the collective branches and foliage of a group of trees’ crowns.

“City tree protection professional” means a qualified tree professional as defined in this chapter that is retained or employed by the City. The individual shall also have the necessary training and experience to use and apply the appraisal methodology prescribed in the current edition of the industry’s Plant Appraisal Guide.

“Critical root zone (CRZ)” means the area surrounding a tree at a distance from the trunk, which is equal to one (1) foot for every inch of trunk diameter measured at 4.5 feet from grade or otherwise determined by a qualified tree professional (example: one (1) foot radius per one (1) inch diameter)

“Crown” means that portion of the trees stem that is occupied by branches with live foliage.

“Crown raising” means the removal of a reasonable number of the lowest branches along the trunk that is appropriate to the overall size of the tree.

“Crown reduction” means the reduction of the height and/or spread of a tree crown through the removal of smaller branches at their attachments to larger branches.

“Crown thinning” means the removal of a number of smaller branches at their attachments to produce a uniform density of foliage around an evenly spaced branch structure.

“Developed” means a lot or parcel of land upon which a structure(s) is located.

“Development activity” means any activity on private property requiring a permit for: (a) clearing, grading, preliminary or final plat for a single-family residential development; (b) construction of new building greater than 200 square feet in size or construction of a building addition that creates a footprint greater than 200 square feet; (c) binding site plan; or (d) preliminary or final planned unit development plan.

“Diameter” means the diameter or thickness of a tree trunk measured at 4.5 feet from the ground. Multiple stemmed tree diameters shall be determined by equating the crown of the tree to that of a single-stemmed tree.

“Director” means director of public works & utilities department or director of public works & utilities department’s designee.

“Dripline” of a tree is delineated by a vertical line extended from the outermost branch tips to the ground.

“General tree list” means a list of trees species that is maintained by the city for planting as replacement and mitigation trees.

“Hazard tree” means a tree that meets all of the following criteria:

- a. A tree that is dead, dying, diseased, damaged, structurally defective or exposed by recent removal of adjacent trees which makes it subject to a high probability of failure as determined by a qualified tree professional;
- b. The tree is in proximity to persons or property that can be damaged by tree failure; and
- c. The hazard condition of the tree cannot be lessened with reasonable and proper arboricultural practices.

“Heritage tree” means a tree or group of trees that have been designated by the City as such.

“Impact” means a condition or activity that affects a part of a tree including the trunk, branches, and roots within the dripline or critical root zone (CRZ).

“Landmark tree” means a tree that measures at least 24” in diameter.

“Limits of disturbance” means the boundary between the area of minimum protection around a tree and the allowable site disturbance as determined by a qualified tree professional.

“Nuisance Tree” means a tree that meets either of the following criteria, provided that the problems associated with the tree cannot be corrected by reasonable practices including but not limited to: pruning of the crown or roots of the tree, bracing, and or cabling to reconstruct a healthy crown:

- a. The tree is causing significant physical damage to a private or public structures and/or infrastructure, including but not limited to: sidewalk, curb, road, water or sewer or stormwater utilities, driveway, parking lot, building foundation, roof; or
- b. The tree has sustained damage from past maintenance practices.

“Person” means any person, individual, public or private corporation, firm, association, joint venture, partnership, owner, lessee, tenant, or any other entity whatsoever or any combination of such, jointly or severally.

“Protected tree” means a tree identified for retention and protection on an approved tree [protection and replacement] plan, replacement in relation to a permit or plan, and/or permanently protected by easement, tract, or covenant restriction.

“Pruning” means the proper removal of roots or branches of a tree according to the ANSI A300 pruning standards.

“Qualified tree professional” means a person with academic and field experience that makes them an expert in urban forestry or arboriculture. The person must have competence in tree health and risk assessment, tree protection during development, and preparing professional tree plans and reports. At a minimum, the person is certified by the International Society of Arboriculture (ISA).

“Right-of-way tree” means a tree located in the public right-of-way.

“Significant tree” means any tree six inches or greater in diameter.

“Specimen tree” means a tree of exceptional size or form for its species or rarity as determined by the city tree protection professional.

“Street tree” means a tree located within the City right-of-way that meets the goals and intent of the Edmonds Street Tree Plan.

“Tree” means a self-supporting woody plant characterized by one main trunk or, for certain species, multiple trunks, that is recognized as a tree in the nursery and arboricultural industries.

“Tree removal” means the direct or indirect removal of a tree(s) or vegetation through actions including, but not limited to: clearing, cutting, girdling, topping, or causing irreversible damage to roots or stems; destroying the structural integrity of trees through improper pruning, unless pruning back to the point where the tree has been previously topped; poisoning; filling, excavating, grading, or trenching within the dripline that results in the loss of more than 20 percent of the tree’s root system; or the removal through any of these processes of greater than 50 percent of the live crown of the tree.

“Tree unit” means a set value placed on replacement trees at a one unit per tree of minimum size and a set number of units for existing trees based on the size of the tree in diameter.

“Understory vegetation” means small trees, shrubs, and groundcover plants, growing within the dripline or critical root zone (CRZ) of a tree.

“Viable tree” means a tree that a qualified tree professional has determined to be in good health with a low risk of failure, is relatively windfirm if isolated or exposed, and is a species that is suitable for its location.

“Wildlife snag” means the remaining trunk of a dead, dying, diseased, or hazard tree that is reduced in height and stripped of all live branches. To be considered as a wildlife snag, the tree must be at least 12 inches diameter and 20 feet tall. The actual snag height must consider the surrounding targets.

“Windfirm” means a tree that is healthy and well-rooted and a qualified tree professional has evaluated and determined that it can withstand normal winter storms in the region.

23.20.025 Regulation

- A. The development services director or a designee shall administer this chapter, as it pertains to regulation of trees on private property, and shall be referred to as the administrator. The administrator shall have the authority to develop and implement procedures to administer and enforce this chapter.
- B. The public works director or a designee shall administer this chapter, as it pertains to the regulation of trees within the City right-of-way, and shall be referred to as the director. The director shall have the authority to develop and implement procedures to administer and enforce this chapter.

23.20.030 Permits Required

A. Permit Required. No person or their representative, directly or indirectly, shall remove any heritage, landmark, significant, or protected tree on private property or remove or prune any heritage, landmark, significant, or protected tree located within the city right-of-way without first obtaining a tree permit in accordance with this chapter, unless exempted in ECDC 20.23.040. Private property trees being removed in conjunction with a development permit are subject to the requirements of this chapter but do not require a separate permit.

B. Permit Types.

1. Private Property Trees. Tree removal on private property must comply with the removal criteria set forth in ECDC 23.20.060 and be authorized by one of the following types of permits, as applicable:

- a. Administrative Staff Review Permit. Tree removal may be authorized by an administrative staff review permit for the removal of no more than two significant trees

within any 36-month period on a single-family residential lot with a critical area waiver or erosion hazard determination. The administrator may require that proposed tree removal in relation to development activity be reviewed by the city tree protection professional for possible retention of viable trees.

b. Arborist Consult Permits. The following permits require an arborist consultation in order to meet the allowable removal criteria as described in ECDC 23.20.060.

i. Type I. Tree removal may be authorized by a Type I arborist consult permit for removal of nuisance tree; hazard tree; protected tree; any number of significant trees on multi-family, commercial or industrial property; or more than two significant trees within a 36-month period on a single-family residential lot with a critical area waiver or erosion hazard determination. Removal of nuisance or hazard trees does not count toward any tree removal limit if approved by the city.

ii. Type II. Tree removal may be authorized by a Type II arborist consult permit for the removal of a landmark tree or trees located within a critical area (other than erosion hazard) or critical area buffer. The removal of a landmark tree on a single-family residential lot counts toward the tree removal limit of two significant trees within a 36-month period. A Type II arborist consult permit shall comply with Type II notice requirements.

c. Right-of-Way Permit. Any pruning or removal of a significant tree on private property that results in falling of the tree or branches into the traveled way (e.g., street, trail or sidewalk) of the right-of-way requires a right-of-way construction permit.

2. Right-of-Way Trees. Removal or pruning of trees in the right-of-way must comply with the removal criteria set forth in ECDC 23.20.060 and be authorized by a right-of-way construction permit.

C. Review. The city shall review the application in accordance with the criteria set forth in ECDC 23.20.060, and either approve, approve with conditions or modifications, deny the application, or request additional information. Any decision to deny the application shall be in writing along with the reasons for the denial and the appeal process.

D. Alternative Compliance. All tree activities regulated by this chapter shall be performed in compliance with the applicable standards, as described in ECDC 23.20.070 through 23.20.110, unless the applicant demonstrates that alternate measures or procedures will be equal or superior to the provisions of this chapter in accomplishing the purposes of this chapter.

E. Expiration. Administrative review and arborist consult permits expire one year after the date the permit is issued.

F. Emergency work. Any person or public utility service provider undertaking emergency actions necessary to remedy an immediate threat to people or property, or public health, safety or welfare by a hazard tree shall notify the city within five working day following commencement of the emergency action and shall apply to the administrator for review of the work performed.

G. Appeals. Appeals of administrative determination shall follow Chapter 20.01 ECDC.

23.20.040 Exemptions

The following are exempt from the requirements of this chapter:

- A. Street trees are subject to the requirements of Chapter 18.85 ECDC.
- B. Removal of trees by the public works department, parks department, fire department in the course of routine maintenance and/or repair of public facilities or emergency response situations.

23.20.050 City Tree Protection Professional

A. The city shall employ or contract with one or more professionals that qualify as a city tree protection professional under the definition in this chapter. Said individual(s) shall be responsible for providing the information and services required of the city tree protection professional described herein.

B. Individual applicants will be responsible for payment of the costs and fees of the city tree protection professional for projects necessitating work to be performed by the city tree protection professional with the exception of administrative review permits and in cases where a project is determined to be exempt.

23.20.060 Application Requirements

An applicant requesting to remove trees must submit information that complies with this section.

A. Administrative Review Permit Application. An application for an administrative review permit shall include the following:

1. A completed land use application form provided by the city.
2. A site plan showing the approximate location of significant trees, their size (diameter), their species, and the location of structures, driveways, access ways, easements, and utilities within the critical root zone of the tree.
3. Description of the trees requested to be removed, including reason for removal.
4. Calculation of tree density in accordance with ECDC 23.20.080 to determine if remaining trees meet the minimum for the site or if replacement trees are required.
5. If replacement trees are required to meet the minimum density, prepare a planting plan showing location, size and species of the new trees in accordance to standards set forth in ECDC 23.20.090.

B. Type I Arborist Consult Permit Application. An application for a Type I arborist consult permit shall include the following:

1. A completed land use application form provided by the city.
2. A site plan showing the approximate location of significant trees, their size (diameter), their species, and the location of structures, driveways, access ways, easements, and utilities within the critical root zone of the tree.
3. Description of the trees requested to be removed, including reason for removal that meets one or more of the following criteria.
 - a. For a hazard tree on a single-family residential lot, a tree risk assessment prepared by the applicant's qualified tree professional explaining how the tree meets the definition of a hazard tree may be required.
 - b. For a nuisance tree on a single-family residential lot, evidence of the damage and any tree work that has been done to rectify the nuisance, and/or a statement from the applicant's qualified tree professional explaining why no arboricultural practices can safely rectify the nuisance.
 - c. For a protected tree, a report prepared by the applicant's qualified tree professional explaining how the tree meets the definition of hazard or nuisance tree and if necessary, how the removal does not compromise the health and safety of the remaining trees.
 - d. For trees on multi-family, commercial, and industrial property, a report prepared by the applicant's qualified tree professional explaining how the tree meets the definition of nuisance or hazard tree and if necessary, how the removal does not compromise the health and safety of the remaining trees.
 - e. For the removal of more than two significant trees on a single-family residential lot in a 36-month period, a management report prepared by the applicant's qualified tree professional explaining how the removal improves the health and safety of the remaining trees and does not result in the site falling below the minimum tree density.
4. On single-family residential lots, calculation of tree density in accordance with ECDC 23.20.080 to determine if remaining trees meet the minimum for the site or if replacement trees are required.
5. For multi-family, commercial, and industrial property, required replacement is according to landscape standards set forth in Chapter 20.13 ECDC.
6. If replacement trees are required, prepare a planting plan showing location, size and species of the new trees in accordance to standards set forth in ECDC 23.20.090.

B. Type II Arborist Consult Permit Application. An application for a Type II arborist consult permit shall include the following:

1. A completed land use application form provided by the City.
2. A site plan showing the approximate location of significant trees, their size (diameter), their species, and the location of structures, driveways, access ways, easements, and utilities within the critical root zone of the tree.
3. Description of the trees requested to be removed, including reason for removal.
 - a. For a landmark tree, a report from the applicant's qualified tree professional describing the health and condition of the tree and explaining how no other arboricultural practices, such as crown raising, crown reduction or crown thinning, can achieve desired outcome.
 - b. For the removal of trees located within a critical area (other than erosion hazard) or critical area buffer, a management report prepared by the applicant's qualified tree professional explaining how the removal improves the health of the remaining trees and if applicable, does not result in the site falling below the minimum tree density. In addition, a critical area report and mitigation plan prepared by the applicant's specialist demonstrating that the tree removal does not compromise the integrity of the function of the critical area.
4. Calculation of tree density in accordance with ECDC 23.20.080 to determine if remaining trees meet minimum for the site or if replacement trees are required.
5. If replacement trees are required, prepare a planting plan showing location, size and species of the new trees in accordance to standards set forth in ECDC 23.20.090.

C. Subdivision Tree Plan. The application of a subdivision that includes property with significant trees shall include all the information described in this subsection. The tree assessment should be conducted as early in the project design process as possible to improve the applicant's ability to incorporate existing trees into the project and to provide adequate protection.

1. The Tree Plan shall at a minimum include the following information:
 - a. A completed land use application form provided by the City.
 - b. A site map (to scale) with a north arrow depicting accurate location of site features including buildings, driveways, forest stands or open-grown single or clusters of significant trees, the dripline of the stand, cluster, or individual tree, along with any other off-site trees that may be impacted by tree removal, excavation, or grading during this project.
 - c. A tree inventory and assessment report prepared by a qualified tree professional. Individual trees to be removed or that are in the vicinity of construction and potentially could be impacted should be numbered (with corresponding numbers placed on trees). Information on tree species, diameter, condition (health), and the minimum required critical root zone (CRZ) should be collected.

d. A tree list showing which trees are to be protected and removed, along with any other necessary cultural care, including the minimum critical root zone (CRZ) distances in the list.

e. Graphic detail of tree protection fence locations and any other special instructions for work that may or may not occur within critical root zone (CRZ).

f. A timeline for tree protection activity describing:

i. Attendance of the city tree protection professional at the pre-job conference to discuss tree protection activity.

ii. Installation, inspection and maintenance of the tree protection fences.

iii. Measures taken to ensure health of the tree(s) during construction.

iv. Removal of fences at end of construction.

v. Final inspection of protected trees by city tree protection professional.

g. A description and location of tree protection measures during construction for trees to be retained. Protection measures must be in accordance with ECDC 23.20.100.

h. Calculation of tree density in accordance with ECDC 23.20.080 to determine if remaining trees meet minimum for the site or if replacement trees are required.

i. If replacement trees are required to meet the minimum density, prepare a planting plan showing location, size and species of the new trees in accordance to standards set forth in ECDC 23.20.090.

2. The administrator and/or director may specify conditions of construction at any stage of the application or project, as is deemed necessary to ensure the proposal's compliance with requirements of this chapter, as well as the critical areas regulations (Chapter 23.40 ECDC), clearing, grading, and stormwater management regulations, or to protect public or private property. These conditions may include, but are not limited to, recommendation of specific work methods.

D. Right-of-Way Trees. An application to remove or prune a tree within the city right-of-way shall include the following:

1. A completed right-of-way construction permit application form provided by the city.

2. Description of the right-of-way tree(s) requested to be removed or pruned, the reason for the work and how requested pruning, when applicable, complies with the ANSI A300 standards. In addition,

- a. For a hazard tree, a tree risk assessment prepared by the applicant's qualified tree professional explaining how the tree meets the definition of a hazard tree may be required.
 - b. For a nuisance tree, provide evidence of the damage and any work that has been done to rectify the nuisance, and/or a statement from the applicant's qualified tree professional explaining why no arboricultural practices can safely rectify the nuisance.
 - c. For sight distance hazards caused by trees, describe the work needed to fully restore the required sight distance.
 - d. Provide the name of licensed and bonded ISA-certified arborist performing the work and if needed, a traffic safety plan for:
 - i. Pruning of a tree over a height of eight feet (8') above the ground;
 - ii. Pruning of a tree requiring or using equipment other than non-powered handheld tools (e.g., pruners, loppers, hand saw); or
 - ii. Pruning or removal that will result in any branches or portions of the tree falling within the traveled way (e.g., street, sidewalk, etc.) of the right-of-way.
 - e. For a landmark tree, a report from the applicant's qualified tree professional describing the health and condition of the tree and explaining how no other arboricultural practices, such as crown raising, crown reduction or crown thinning, can achieve desired outcome and how its removal and replacement will improve the streetscape.
3. Calculation of tree units to be removed in accordance with ECDC 23.20.080 to determine the number of required replacement trees.
 4. A planting plan showing location, size and species of the replacement trees in accordance to standards set forth in ECDC 23.20.090.A through C and F.

23.20.070 Retention Standards

A. To the maximum extent possible, viable trees on private property must be retained. Retention efforts in relation to development activity include considering reasonable modifications to a site plan without limiting the allowed use. Such strategies include, but are not limited to, low impact development and minor adjustments to placement of the building footprint and other improvements. If a site falls below a certain tree density due to tree removal, replacement trees are required.

B. Priority of tree types. Trees to be retained and protected must be healthy, windfirm, and appropriate to the site at their mature size, as identified by a qualified tree professional. The

priority for protection of healthy trees in developing, redeveloping, or existing lots that are being modified is:

1. Heritage trees;
2. Specimen trees or other high quality open-grown, wind firm trees;
3. Trees in critical area buffers, or adjacent to critical area buffers;
4. Adjacent trees that are critical to the integrity of stands of other protected trees;
5. Existing healthy trees in groups or stands;
6. Other individual trees that will be wind firm, high quality trees if retained;
7. Other trees that provide wildlife or riparian habitat, screening, buffering or other amenities;
8. Trees that help to protect neighbors' trees from windthrow, or other trees within required yard setbacks or on the perimeter;
9. Trees next to parks or other open space areas.

23.20.080 Density Requirements

A. Minimum Tree Density. The required minimum tree density for both developed and developing single family lots is according to the underlying zone:

Zoning	Minimum Tree Units ¹
RS-6	2
RS-8	4
RS-10	6
RS-12	8
RS-20	12

¹ On subdividable lots, the minimum number of tree units shall be determined by the multiplying the number of tree units by the number of potential lots based on area. For example, a 24,000 square foot lot in the RS-8 zone will require a minimum of 12 tree units (24,000/8,000 = 3 lots; 3 lots * 4 tree units = 12 tree units).

B. Tree Unit Value for Existing Trees. For existing trees, both on private property and in the right-of-way, the number of units is based on diameter size as follows:

Minimum Diameter	Tree Units
3 - 5"	0.5
6 - 10"	1
12"	2
18"	3
24"	4

C. Achieving the required tree density on a single-family residential lot may consist of existing trees pursuant to the tree's retention value shown herein, new trees, or a combination of existing and new trees.

23.20.090 Replacement Standards

A. Minimum Size of Replacement Trees. The required minimum size of a replacement tree worth one (1) tree unit shall be six (6) feet tall for a conifer and 2-inch caliper for deciduous or broad-leaf evergreen tree. The city may allow smaller caliper deciduous trees of certain species to meet the requirements of this chapter. Additional credits may be awarded for larger trees.

B. Replacement tree quality. Replacement trees shall meet the quality, caliper, and root-ball size standards delineated in the American Standard for Nursery Stock (ANSI Z60.1). Trees shall be healthy and free of damage, insects, and disease, be well-branched and show evidence of cultural care in the nursery to create quality trees.

C. Replacement tree species shall be selected from the city's general tree list, which is maintained by the city. Only trees on the list can be used as replacement trees unless other tree types are approved by the city tree protection professional.

D. When trees are planted on individual lots, the species shall be appropriate for the size of the lot and the space planted and, if applicable, as provided on approved re-vegetation or landscaping plans developed for the land division.

E. On-Site Replacement. Replacement trees shall be planted on the site from which significant trees are removed. The administrator may waive the on-site tree replacement requirement provided that the applicant pays an amount determined by the city tree protection professional into the city tree fund that is equivalent to the total cost for purchase and installation of each replacement tree and three years of maintenance for each replacement tree.

F. Right-of-Way Replacement. The number of replacement trees for a right-of-way tree removal is equal to the number of tree units for the corresponding diameter of the tree(s) removed as described in ECDC 23.20.080.B. The director may waive all or a portion of the number of replacement trees to be planted in the same location as the tree removed from the right-of-way. The director may require payment in lieu of the replacement trees not planted that is equivalent to the total cost for purchase and installation of each replacement tree and three years of maintenance for each replacement tree.

23.20.100 Protection Measures

Prior to development activity or initiating tree removal on the site, vegetated areas and individual trees to be preserved, including any street or right-of-way trees, shall be protected from potentially damaging activities pursuant to the following standards:

A. **Placing Materials near Trees.** No person may conduct any activity within the protected area of any tree designated to remain, including, but not limited to, operating or parking equipment, placing solvents, storing building material or soil deposits, or dumping concrete washout or other chemicals. During construction, no person shall attach any potentially harmful object to any tree designated for protection.

B. **Protective Barrier.** Before development, land clearing, filling or any land alteration, the applicant shall:

- a. Erect and maintain readily visible temporary protective tree fencing along the limits of disturbance to completely surround the protected area of all retained trees or groups of trees. Fences should be constructed of chain-link and be at least six (6) feet high, unless other type of fencing is authorized by the city.
- b. When requested by the city, install highly visible signs spaced no further than 15 feet along the entirety of the protective tree fence. Said sign must state at a minimum “Tree Protection Area, Entrance Prohibited” and provide the city phone number for code enforcement to report violations.
- c. Prohibit excavation or compaction of earth or other potentially damaging activities within the barriers; provided, that the administrator may allow such activities approved by the city tree protection professional and under the supervision of a qualified tree professional retained by the applicant.
- d. Maintain the protective barriers in place for the duration of the project until the city authorizes their removal.
- e. Ensure that any approved landscaping done in the protected zone subsequent to the removal of the barriers shall be accomplished with walk-behind machinery or hand labor.
- f. In addition to the above, the city may require the following:
 - i) If equipment is authorized to operate within the critical root zone, cover the areas adjoining the critical root zone of a tree with mulch to a depth of at least six (6) inches or with plywood or similar material in order to protect roots from damage caused by heavy equipment.
 - ii) Minimize root damage by excavating a 2-foot-deep trench, at edge of critical root zone, to cleanly sever the roots of trees to be retained.
 - iii) Corrective pruning performed on protected trees in order to avoid damage from machinery or building activity.
 - iv) Maintenance of trees shall be achieved by the applicant throughout the construction period by watering and fertilizing.

C. Grade.

a. The grade shall not be elevated or reduced within the critical root zone of trees to be preserved without the administrator's authorization based on recommendations from a qualified professional. The administrator may allow coverage of up to one-half (1/2) of the area of the tree's critical root zone with light soils (no clay) to the minimum depth necessary to carry out grading or landscaping plans, if it will not imperil the survival of the tree. Aeration devices may be required to ensure the tree's survival.

b. If the grade adjacent to a preserved tree is raised such that it could slough or erode into the tree's critical root zone, it shall be permanently stabilized to prevent suffocation of the roots.

c. The applicant shall not install an impervious surface within the critical root zone of any tree to be retained without the authorization of the administrator. The administrator may require specific construction methods and/or use of aeration devices to ensure the tree's survival and to minimize the potential for root-induced damage to the impervious surface.

d. To the greatest extent practical, utility trenches shall be located outside of the critical root zone of trees to be retained. The administrator or director may require that utilities be tunneled under the roots of trees to be retained if the administrator or director determines that trenching would significantly reduce the chances of the tree's survival.

e. Trees and other vegetation to be retained shall be protected from erosion and sedimentation. Clearing operations shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time. To control erosion, it is encouraged that shrubs, ground cover and stumps be maintained on the individual lots, where feasible.

D. Directional Felling. Directional felling of trees shall be used to avoid damage to trees designated for retention and to avoid damage to private and public infrastructure.

E. Additional Requirements. The administrator may require additional tree protection measures that are consistent with accepted urban forestry industry practices.

23.20.110 Maintenance

A. All protected trees and required replacement trees so designated on an approved permit, retention and/or planting plan, shall be maintained in healthy condition by the property owner.

B. Pruning and maintenance of protected and replacement trees shall be consistent with the ANSI A300 standards for proper pruning and management.

C. Pruning existing trees back to the point where they have been previously topped is considered maintenance for these trees alone.

23.20.120 City Tree Fund

A. The city council hereby creates the City of Edmonds Tree Fund. Penalties assessed against violators of this chapter shall be placed in the fund, along with any monetary donations received from persons wishing to contribute to the fund. Expenditures of monies in the fund shall be used for the following purposes:

1. Acquiring, maintaining, and preserving forested areas within the city;
2. Planting and maintaining trees within the city; or
3. Other purposes relating to trees as determined by the city council.

B. The city shall credit to the city tree fund:

1. All money paid to the city under ECDC 23.20.090 and 23.20.130; and
2. Other monies allocated by the city council.
3. Donations received from persons wishing to contribute to the fund.

23.20.130 Enforcement – Penalties – Mitigation

A. Violations. Violations of this chapter may be addressed by the administrator or director pursuant to the provisions set forth below.

1. Removal of existing 12” diameter or larger trees in violation of this chapter will require an appraisal of the tree value by the city tree protection professional using trunk formula method in the current edition of the Guide for Plant Appraisal. The cost of the appraisal shall be paid by the person(s) who removed existing trees in violation of this chapter.
2. Penalty for illegal removal of trees shall be \$1,500 per tree less than 12” Diameter and the appraised value of trees 12” or more in diameter. Penalties shall be paid into the city tree fund.

B. Stop Work Order. If a violation of this chapter or an approved tree permit occurs on property on which work is taking place pursuant to a city development permit, the building official may suspend some or all of the work as appropriate through issuance of a stop work order. The building official shall remove the stop work order when the city determines that the violation has been corrected or when the city has reached an agreement with the violator regarding rectification of the violation.

C. Any person who removes a tree in violation of the conditions of a tree removal permit or in violation of this chapter may be required to perform remedial measures ordered by the administrator and/or director. The following provisions shall apply in instances where such remedial measures are required:

1. All work shall be performed in accordance with permits obtained pursuant to this chapter.
2. Remedial measures must conform to the purposes and intent of this chapter and meet all requirements and standards of this chapter.

3. Remedial measures must be completed within the time frame specified by the administrator and/or 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.

23.20.140 Performance Surety and Compliance

A. In order to assure compliance with the standards and requirements of this chapter, private foresters, arborists, and logging and land clearing contractors or others and heavy equipment operators involved in land clearing operations in the city of Edmonds shall be required to sign and submit a statement of tree conservation acknowledgment to the city of Edmonds. This statement shall attest such arborist, forester, or contractor's knowledge of the city of Edmonds's tree protection requirements. This statement shall be required along with the city business licensing requirements set forth in Chapter 4.72 ECC and applicable to persons performing work in the city of Edmonds. The required statement shall be in substantially the following form:

1. I, _____, a duly licensed professional contractor in the State of Washington, or professional forester, hereby attest that I have read and am knowledgeable of Chapter 23.20, Tree Conservation, of the City of Edmonds Community Development Code.

2. I further attest that, as a professional doing land clearing work in the City of Edmonds, I am accountable for following the City's Tree Conservation requirements, including obtaining a tree removal permit or verifying exemption prior to performing tree removal or clearing work, as defined by Chapter 23.20 of the Edmonds Community Development Code, as well as following all conditions and requirements of said permit or exemption.

3. I attest that if I fail to follow tree protection requirements, I will be held jointly responsible with the landowner for any restitution required as a result of environmental damage determined by the city tree protection professional to be the result of improper tree removal or land clearing activities at the site. This may result in claims against my bond pursuant to Section 18.27.040 of the Revised Code of Washington and other monetary penalties as allowed by this Chapter or State law.

B. Private professionals involved in land clearing operations who do not provide the above statement shall be prohibited from performing tree removal and land clearing services in the city of Edmonds. Said professionals who do not provide this statement and perform land clearing services in the city of Edmonds shall be considered in violation of this chapter and may be prosecuted under this chapter, the city's civil penalties ordinance, or as otherwise provided by law. All professional arborists, foresters, loggers, or other land clearing contractors or heavy equipment operators involved in land clearing operations shall be jointly responsible with the landowner for any land clearing violation and restitution required at a site as a result of improper land clearing activity.

C. Bonding and Surety. The administrator may require financial security in such form and amounts as may be deemed necessary to assure that the work shall be completed in accordance with the permit and the protected and required trees survive. A performance bond, if required, shall be furnished by the property owner, or other person or agent in control of the property at one hundred fifty percent of the estimated tree and vegetation replacement costs or appraised value as determined by the city tree protection professional. A three-year maintenance bond may also be required.

23.20.150 Liability (Severability)

A. Liability for any adverse impacts, damages or injury resulting from work performed in accordance with any permit issued by the city under ECDC 23.20.030 shall be the sole responsibility of the permit applicant and/or owner of the property or site for which the permit was issued, and shall not be the responsibility of the city of Edmonds. Issuance by the city of any permit under this chapter shall not be construed as an assumption of any risk or liability by the city of Edmonds, nor as a warranty or guarantee that the work authorized by the permit will have no adverse impact or will cause no damages or injury to any person or property.

B. Issuance by the city of a permit under ECDC 23.20.030 and/or compliance by the applicant and/or property owner with any permit conditions therein shall not relieve an applicant and/or property owner from any responsibility otherwise imposed by law for any adverse impacts, injury or damage to persons or property resulting from the work authorized by any permit issued under this chapter.

C. Nothing contained in this chapter shall be deemed to relieve any property owner within the city limits from the duties imposed under Chapter 9.25 ECC to keep any tree or vegetation upon his property or under his control in such condition as to prevent it from constituting a hazard or a nuisance.

D. The amount of any security required as part of any land development permit with which tree removal is associated shall not serve as a gauge or limit to the compensation that may be owed by a property owner as a result of injury or damages to persons or property resulting from any tree removal authorized under this chapter.