



CITY OF TUKWILA

Department of Community Development

6300 Southcenter Boulevard, Tukwila, WA 98188

Telephone: (206) 431-3670 FAX: (206) 431-3665

E-mail: planning@TukwilaWA.gov

TREE CLEARING PERMIT

INFORMATION

Tukwila's Tree Ordinance regulates the clearing of trees and understory vegetation in or near environmentally sensitive areas and within 200 feet of the Green River. Specific exemptions from the requirement to obtain a Tree Clearing Permit are listed at [Tukwila Municipal Code \(TMC\) 18.54.050](#).

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.

DEFINITIONS:

Sensitive areas means wetlands, watercourses, areas of potential geologic instability (other than Class I areas), abandoned coal mine areas, and fish and wildlife habitat conservation areas.

Shoreline zone means a 200-foot area surrounding any shoreline in Tukwila composed of three zones: (1) river environment, (2) low-impact environment, and (3) high impact environment.

Significant tree means a tree (Cottonwood excluded) which is 4 inches or more in diameter as measured 4.5 feet above grade. However, removal of any cottonwood tree that is 12 inches or greater in diameter (as measured 4.5 feet above grade) within the first 100' from the river shall require a tree permit, TMC 18.44.110.

PROCEDURES: At the time you submit your application you must have all of the items listed on the attached "Complete Application Checklist." You may request a waiver from items on the checklist that are not applicable to your project. Please discuss this waiver request with City staff either at a pre-application meeting or at the time of application submittal. Within 28 days of receiving your application, City staff will determine if it is complete based on the attached checklist. If not complete City staff will mail you a letter outlining what additional information is needed. If you do not submit requested materials within 90 days from the City's request for additional information the City may cancel your application. Once the application is complete it will be reviewed by the Director who will issue a decision to approve, modify or deny the application based on the review criteria.

EXCEPTIONS: Per TMC 18.54.140 the Director of Community Development may grant exceptions from the requirements of the Tree Ordinance when undue hardship may be created by strict compliance with the provisions of the chapter. An application for an exception must be submitted by the property owner to the Department of Community Development and shall accompany the Tree Clearing Permit application.

COMPLETE APPLICATION CHECKLIST

The materials listed below must be submitted with your application unless specifically waived in writing by the Public Works Department and the Department of Community Development. Please contact each Department if you feel that certain items are not applicable to your project and should be waived. Application review will not begin until it is determined to be complete. **ADDITIONAL MATERIALS MAY BE REQUIRED.**

The initial application materials allow project review to begin and vest the applicant's rights. However, the City may require additional information as needed to establish consistency with development standards.

City Staff are available to answer questions about application materials at 206-431-3670 (Department of Community Development) and 206-433-0179 (Department of Public Works).

*** Please note that the application fee listed in the land use fee schedule covers up to a specified number of review hours and is due at the time an application is received by the City. Review hours over the retainer fee will be charged at \$92.00 per hour and the applicant will receive a monthly bill when those fees become due.**

Check items submitted with application	Information Required. <i>May be waived in unusual cases, upon approval of both Public Works and Planning</i>
APPLICATION MATERIALS:	
	1. Application Checklist one (1) copy, indicating items submitted with application.
	2. Permit Fee: See Land Use Fee Schedule for standard application fee. *Additional fees may be incurred.
	3. Completed Application Form and drawings (4 copies).
	4. Completed and notarized Affidavit of Ownership and Hold Harmless Permission to Enter Property (1 copy attached).
	5. One set of all plans reduced to either 8 1/2" x 11" or 11" x 17".
	6. Written response to the approval criteria at TMC 18.54.130.
	7. Written response to the exception criteria at TMC 18.54.140 if any exceptions are requested.
	8. Professional review of the replacement plan by a landscape architect, surveyor or certified arborist per TMC 18.54.080(3).
	9. Proposed time schedule of vegetation removal, relocation and/or replacement, and other construction activities which may affect onsite vegetation, sensitive areas, sensitive area buffers and/or the shoreline zone.
SITE PLAN:	
	10. (a) The site plan must include a graphic scale, north arrow and project name. Maximum size 24" x 36".
	(b) Existing and proposed building footprints and utilities.
	(c) Limits of construction.
	(d) Parking lots, driveways and fire access lanes.
	(e) Fences, rockeries and retaining walls.
	(f) Existing and proposed topography at 2-foot contour intervals.
	(g) Location of all sensitive areas (e.g. streams, wetlands, slopes over 15%, shoreline zone, coal mine areas and important geological and archaeological sites) and their buffers and setbacks.
	(h) Diameter, species name, location and canopy of existing significant trees.
	(i) Identification of all significant trees to be removed and/or relocated.

Check items submitted with application	Information Required. <i>May be waived in unusual cases, upon approval of both Public Works and Planning</i>
LANDSCAPE PLAN:	
	11. (a) Landscape planting plan by a Washington State licensed landscape architect, surveyor or certified arborist. Maximum size 24" x 36".
	(b) Diameter, species name and location of all existing significant trees and vegetation to be retained.
	(c) Diameter, species name, spacing, size and location of replacement trees/vegetation to be used to replace vegetation cleared per TMC 18.54.130(3)(b).
	(d) Proposed tree protection measures (for example fencing at drip line).
	(e) Identify measures proposed for mitigation of vegetation clearing in a sensitive area and/or its buffer per the Environmentally Sensitive Areas chapter of the Zoning Code, TMC 18.45.
	(f) Any other measures proposed to restore the environmental and aesthetic benefits previously provided by on-site vegetation.



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TREE CLEARING PERMIT

APPLICATION

<i>FOR STAFF USE ONLY Permits Plus Type: P-TREE</i>	
Planner:	File Number:
Application Complete Date:	Project File Number:
Application Incomplete Date:	Other File Numbers:

NAME OF PROJECT/DEVELOPMENT: _____

LOCATION OF PROJECT/DEVELOPMENT: *Give street address or, if vacant, indicate lot(s), block and subdivision, access street, and nearest intersection.*

LIST ALL TAX LOT NUMBERS (this information may be found on your tax statement).

DEVELOPMENT COORDINATOR :

The individual who:

- has decision making authority on behalf of the owner/applicant in meetings with City staff,
- has full responsibility for identifying and satisfying all relevant and sometimes overlapping development standards, and
- is the primary contact with the City to whom all notices and reports will be sent.

Name: _____

Address: _____

Phone: _____ FAX: _____

E-mail: _____

Signature: _____ Date: _____



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AFFIDAVIT OF OWNERSHIP AND HOLD HARMLESS PERMISSION TO ENTER PROPERTY

STATE OF WASHINGTON

ss

COUNTY OF KING

The undersigned being duly sworn and upon oath states as follows:

1. I am the current owner of the property which is the subject of this application.
2. All statements contained in the applications have been prepared by me or my agents and are true and correct to the best of my knowledge.
3. The application is being submitted with my knowledge and consent.
4. Owner grants the City, its employees, agents, engineers, contractors or other representatives the right to enter upon Owner's real property, located at _____ for the purpose of application review, for the limited time necessary to complete that purpose.
5. Owner agrees to hold the City harmless for any loss or damage to persons or property occurring on the private property during the City's entry upon the property, unless the loss or damage is the result of the sole negligence of the City.
6. Non-responsiveness to a City information request for ninety (90) or more days, shall be cause to cancel the application(s) without refund of fees.

EXECUTED at _____ (city), _____ (state), on _____, 20____

(Print Name)

(Address)

(Phone Number)

(Signature)

On this day personally appeared before me _____ to me known to be the individual who executed the foregoing instrument and acknowledged that he/she signed the same as his/her voluntary act and deed for the uses and purposes mentioned therein.

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS _____ DAY OF _____, 20____

NOTARY PUBLIC in and for the State of Washington
residing at _____

My Commission expires on _____

REVIEW CRITERIA

The applicant bears responsibility for demonstrating that the proposal satisfies all of the permit approval criteria. Planning Division staff are available to discuss the decision criteria you must respond to and necessary supporting materials.

PERMIT APPROVAL CRITERIA

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.

1. **Tree Retention** - Site improvements shall be designed and constructed to retain as many existing healthy trees as possible, and to meet the following criteria:
 - 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.

2. **Tree Protection Measures** -
 - 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.

3. **Tree Replacement** - The site shall be planted with trees to meet the following minimum requirements:
 - a. Each existing significant tree removed 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.
 - b. Tree Replacement Ratios

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

- 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.

4. **Surrounding Environment** - The timing of, and methods to be used in any proposed vegetation removal shall be such that impacts to protected vegetation, wildlife, fisheries and the surrounding environment are minimized.
5. **Tree Relocation** - Tree relocation shall be carried out according to best management practices, and trees proposed for relocation shall have a reasonable chance of survival.

TREE REGULATION DEVIATIONS

The Director may grant exceptions from the requirements of chapter 18.54 when undue hardship may be created by strict compliance with the provisions of this chapter. Any authorization for exception may prescribe conditions deemed necessary or desirable for the public interest, or necessary to meet the intent of this chapter. An exception to this chapter shall not be granted unless all of the following criteria are met:

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

In addition to the above criteria, the Director may also consider any of the following in reviewing an exception request:

- a. Whether the recommendation of a certified arborist supports the exception.
- b. Evidence that 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.

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.