

Note: Times are approximate and subject to change.

**Town Hall Meeting Room
3715 Bridgeport Way West**

4:45 pm

1. CALL SPECIAL MEETING TO ORDER

RECESS TO STUDY SESSION – (At this time, Council will have the opportunity to study and discuss business issues with staff prior to its consideration. Citizen comment is not taken at this time; however, citizens will have the opportunity to comment on the following item(s) at future Council meetings.)

2. 2017-2018 COUNCIL GOALS WORKSHOP

6:45 pm

3. ADJOURNMENT

***PRELIMINARY CITY COUNCIL AGENDA**

September 6, 2016
Regular Council Meeting

September 19, 2016
Regular Council Meeting

October 3, 2016
Regular Council Meeting

October 17, 2016
Regular Council Meeting

Preliminary City Council Agenda subject to change without notice*
Complete Agendas will be available 24 hours prior to scheduled meeting.
To obtain Council Agendas, please visit www.cityofup.com.

**American Disability Act (ADA) Accommodations Provided Upon Advance Request
Call the City Clerk at 253-566-5656**

2017-2018 Council Goals Workshop – First Meeting (June 6, 2016)

A. Unfinished Business.

1. Review of communications and other community engagement to build public trust in City government, to value U.P.'s history and heritage, and to encourage volunteers.
2. Review, including feasibility study, of City's role in incentivizing private redevelopment of commercial areas like Narrows Plaza.
3. Review of sustainability of City revenues, including all fees and taxes.
4. Review additional revenue options to fund public safety, streets, and events.
5. Review of methods to promote the City to potential investors of uses that the Council finds desirable, such as large employers, lodging, leisure and other businesses.

B. What We Value Most.

1. Maintaining community pride in U.P., and the sense of U.P. as a safe and special place.
2. Maintaining our focus on integrity and transparency in government, great customer service, and remaining within the proper role of government.
3. Maintaining our focus on the overall financial health of the City while ensuring that we provide effective public safety and transportation infrastructure.

C. Assumptions That Are No Longer Valid But Still Drive Decisions.

1. That we do not have a balanced budget.
2. That U.P. is a very small town rather than a diverse city of 32,000 residents.
3. That we can do more with less.
4. That City residents are eager to interact with City government.
5. That City government should do everything, and can satisfy everyone.

D. What we Must do to Secure the Future of U.P.

1. Maintain a balanced budget and enhance our reserve goals to allow for future financial flexibility.
2. Maintain public safety and transportation infrastructure.
3. Maintain and improve the quality of information provided to the public about U.P. government operations.

E. Potential New Council Goals or Outcomes.

1. Look for opportunities to provide physical and visual connections to Puget Sound and Chambers Bay from public areas in the City.
2. Enhance communications between the City Council and other local, State and federal elected officials.

2017-2018 First Council Goals Workshop – Key Consensus Areas

Resident and Community Focus

1. **Community Engagement** - Maintain and improve community engagement to build public trust in City government, to value U.P.'s history and heritage, to maintain community pride and the sense of U.P. as a safe and special place, and to encourage volunteers.
2. **Communications** - Maintain and improve the quality of information provided to the public about UP government operations, and our focus on integrity and transparency in government, great customer service, and remaining within the proper role of government.
3. **Waterfront Community**. - Seek opportunities to provide physical and visual connections to Puget Sound and Chambers Bay from public areas in the City.
4. **Intergovernmental**. Enhance communications between the City Council and other local, State and federal elected officials.

City Finance Focus

1. **Revenues**. - Review the sustainability of City revenues, including all fees and taxes, and review additional revenue options to fund public safety, streets, and events.
2. **Expenditures**. - Maintain a balanced budget and enhance our reserve goals to allow for future financial flexibility, while ensuring that we provide effective public safety and transportation infrastructure.

New Private Investment in the City Focus

1. **Commercial Development and Redevelopment**. Review the City's opportunities to position the City for new development and redevelopment of commercial areas like Narrows Plaza, and review methods to promote the City to potential investors, such as large employers, lodging, leisure and other businesses.

2015-2016 COUNCIL GOALS AND OUTCOMES

GOALS	OUTCOMES	PROGRESS
IMPROVED PARKS AND RECREATION	<ul style="list-style-type: none"> Consider a Resolution directing the administration and the Parks and Recreation Commission (PARC) to work with a professional consultant to develop a Master Plan for Creekside Park. 	Council Study 3 rd Quarter 2016 Put on hold by Council – See 1/23/16 Council minutes.
Comments: 2015 Accomplishments: <ul style="list-style-type: none"> Secured \$237,500 State Grant for Cirque Park Ballfield Lighting/Turf Constructed a New Tot Lot Play Structure in Homestead Park Constructed New Split-rail Fencing in Homestead Park Interlocal Agreement with Pierce County and City of Lakewood for Chambers Creek Canyon Trail 		
MORE BEAUTIFUL CITY	<ul style="list-style-type: none"> Schedule study session(s) to review feasibility of undergrounding utility poles and upon completion of study, determine to conclude the topic, or adopt legislation achieving the outcome or identifying next steps toward achieving the outcome. 	Council Study 1st Quarter 2016 Put in Agenda parking lot.
	<ul style="list-style-type: none"> Consider a Resolution adopting a Gateway Signage Plan. 	Council Study 3rd Quarter 2016 Design completed and manufactured – installation underway.
Comments: 2015 Accomplishments: <ul style="list-style-type: none"> Planted over 5,000 Flowers; 10,000 Daffodil Bulbs; 7,527 Landscape Plantings; and 211 Street Trees Installed Bridgeport Median Flower Pots Installed City Entrance Sign (Cirque/Alameda) Installed U.S. Open Banners (Citywide) Installed 130 Decorative Street Lights 		
INCREASED CITY FINANCIAL VIABILITY	<ul style="list-style-type: none"> Consider a Resolution to enhance City's reserves. 	Council Study 1st Quarter 2016 Discussed at the 3/21/16 Finance Committee meeting.

2015-2016 COUNCIL GOALS AND OUTCOMES

	<ul style="list-style-type: none"> Review policies for debt reduction. 	Council Study 1st Quarter 2016 Discussed at the 3/21/16 Finance Committee meeting.
Comments: 2015 Accomplishments: <ul style="list-style-type: none"> \$1.5 Million increase to General Fund Ending Fund Balance due to departmental savings and enhanced revenues Restored an estimated \$2.0 million of debt capacity Received 2014 CAFR Award \$1.1 million savings for Crystal Creek Storm Drainage Project \$133,500 savings for 7 other storm drainage projects. Continued exceptional risk management practices as recognized by Washington Cities Insurance Authority (WCIA) 		
IMPROVED BUSINESS CLIMATE	<ul style="list-style-type: none"> Consider a Resolution directing the Planning Commission in consultation with the Economic Development Commission to prepare a Sub-Area Plan for the Town Center Zone. 	Completed (Resolution 796)
	<ul style="list-style-type: none"> Consider a Resolution directing the Planning Commission in consultation with the Economic Development Commission to prepare a Sub-Area Plan for the 27th Street Corridor. 	Completed (Resolution 796)
	<ul style="list-style-type: none"> Consider a Resolution directing the Planning Commission in consultation with the Economic Development Commission to prepare a Sub-Area Plan for the Mildred Corridor. 	Completed (Resolution 796)
	<ul style="list-style-type: none"> Consider a Resolution directing the Planning Commission in consultation with the Economic Development Commission to review city-wide zoning for economic development opportunities (e.g., waterfront and business park zoning). 	Completed (Resolution 791)
2015 Accomplishments <ul style="list-style-type: none"> Major Openings/Announcements/Ribbon Cuttings <ul style="list-style-type: none"> Whole Foods Chambers Bay (first Whole Foods between the Portland Metropolitan Area and Seattle) 2 new businesses opened in the Clearview 100 Building (Rainier Medical and Absolute Mortgage) 2 new retail tenants announced for the Clearview 100 Building (Top Pot Doughnuts and Mediterranean Grill) Ribbon Cuttings: Le Roi Salon, Kleen Kicks and Bella Vita Chiropractic The Ale House opened under new ownership after a fire closed the business 2 years ago 254 new business licenses between January 1 and October 31, 2015 (94 Storefront/160 Home-Based) 20 Business Site Visits/Business Assistance Consultations by Economic Development staff 5 Partner UP Events 16% Increase in Sales Tax Revenue over 2014 (identifiable non-U.S. Open sales tax revenue) 		
A FULL-SERVICE, SELF-SUFFICIENT COMMUNITY	<ul style="list-style-type: none"> Schedule study session(s) to review options for sustainable funding for Council-approved City events, and upon completion of study, determine to conclude the topic, or adopt legislation achieving the outcome or identifying next steps toward achieving the outcome. 	Council Study 3rd Quarter 2016
	<ul style="list-style-type: none"> Schedule study session(s) to identify any gaps in City services and available resources to meet any service gaps, and upon completion of study, determine to conclude the topic, or adopt legislation achieving the outcome or identifying next steps toward achieving the outcome. 	Council Study 1 st Quarter 2016

2015-2016 COUNCIL GOALS AND OUTCOMES

Comments:

2015 Accomplishments:

- During the 2015 U.S. Open, staff setup an Emergency Operations Center at the Public Works Shop to test capabilities. (Handled over 100 calls from the public)

BETTER INFRASTRUCTURE	<ul style="list-style-type: none"> • Complete Surface Water Management Plan Update. <i>3/21/16 - Public hearing and Council consideration to adopt the 2016 SWM Program Update.</i> 	Council Study 4th Quarter 2016
	<ul style="list-style-type: none"> • Schedule study session(s) to review options for sustainable funding for street maintenance and upon completion of study, determine to conclude the topic, or adopt legislation achieving the outcome or identifying next steps toward achieving the outcome. 	Council Study 4th Quarter 2016 <i>Sewer Franchise Fee Ordinance No. 668</i>
	<ul style="list-style-type: none"> • Construct pavement overlay of Cirque Drive between Bridgeport Way and Grandview Drive. 	Completed
	<ul style="list-style-type: none"> • Construct Market Court between Bridgeport Way and Drexler Drive. 	Completed
	<ul style="list-style-type: none"> • Construct pavement overlay of Drexler Drive between 37th and 35th Streets. 	Completed
	<ul style="list-style-type: none"> • Construct curb, gutter, sidewalk, bike lanes and streetlights along Mildred Avenue between 19th Street and Regents Boulevard. <i>Bid awarded 4/4/16 – construction underway.</i> 	Bid Advertisement 1st Quarter 2016
	<ul style="list-style-type: none"> • Construct curb, gutter, sidewalk and streetlights along the north side of 44th Street between Bridgeport Way and 67th Avenue. 	Completed
	<ul style="list-style-type: none"> • Construct curb, gutter, sidewalk and streetlights along the south side of Cirque Drive between Orchard Street and 67th Avenue. 	Bid Advertisement 3rd Quarter 2016

Comments:

2015 Accomplishments:

- Secured \$1.2 Million in Competitive Grant Funds for two projects:
 - 54th Street from Drum Rd to 83rd
 - Cirque Drive from Sunset to 83rd
- Constructed over 3 miles of new sidewalks, bike lanes, street lighting, landscaping and storm drainage improvements and over 5 lane miles of pavement overlay:
 - Bridgeport Way Phase 3B (54th to Chambers Lane)
 - Cirque/Orchard Intersection Sidewalk
 - 44th Street Safe Routes to School Sidewalk (Bridgeport to 67th)
 - Cirque Drive Safe Routes to School Sidewalk (79th to Grandview)
 - Cirque Drive CDBG Sidewalk (Bridgeport to 79th)
 - 56th Street Safe Routes to Schools Sidewalk (Grandview to Chambers Primary)
 - Cirque Drive Overlay (Bridgeport to Grandview)
 - Market Court Improvements (Bridgeport to Drexler)
 - Drexler Drive Overlay (37th to 35th)
 - 8 Storm Drainage Projects (6 projects by in-house staff)

2015-2016 COUNCIL GOALS AND OUTCOMES

IMPROVED PUBLIC UNDERSTANDING OF COUNCIL INITIATIVES	<ul style="list-style-type: none"> • Adopt a Communications Strategy 	See Below
	<ul style="list-style-type: none"> • Schedule study session(s) to explore new or additional opportunities for citizen feedback, and upon completion of study, determine to conclude the topic, or adopt legislation achieving the outcome or identifying next steps toward achieving the outcome. 	Council Study 1st Quarter 2016
<p>Comments:</p> <p>2015 Accomplishments:</p> <ul style="list-style-type: none"> • Adopt a Communications Strategy <ul style="list-style-type: none"> ○ Adoption of a Community Newspaper delivered twice a month to all homes and businesses in University Place ○ Updated City’s Website, including providing for compatibility with mobile devices ○ Enhanced City’s social media capabilities with development of a City Twitter account • Other Accomplishments <ul style="list-style-type: none"> ○ Implemented U.S. Open Traffic Plan (3 mailers, 4 public meetings, and flawless execution) ○ Held 3 Major Events in Market Square (Duck Daze; SunFest; and WinterFest) fulfilling the Community’s desire for a central gathering place for events. ○ Conducted Community Academy at the Police Training Room on two separate occasions in 2015 		

Town Hall Meeting Room
3715 Bridgeport Way West

- 7:00 pm 1. CALL REGULAR MEETING TO ORDER
- 2. ROLL CALL
- 3. PLEDGE OF ALLEGIANCE – Mayor Figueroa
- 4. APPROVAL OF MINUTES – August 1, 2016
- 5. APPROVAL OF AGENDA
- 7:05 pm 6. PUBLIC COMMENTS – (At this time, citizens have three minutes to address the Council on any matter not scheduled for Public Hearing or Council Consideration. State law prohibits the use of this forum to promote or oppose any candidate for public office, or ballot measure. Public comments are limited to three minutes. Please provide your name and address for the record.)

- 7:15 pm 7A. CONSENT AGENDA
Motion: Approve or Amend the Consent Agenda as Proposed

The Consent Agenda consists of items considered routine or have been previously studied and discussed by Council and for which staff recommendation has been prepared. A Councilmember may request that an item be removed for the Consent Agenda so that the Council may consider the item separately. Items on the Consent Agenda are voted upon as one block and approved with one vote.
A. Receive and File: Payroll and Claims.

COUNCIL CONSIDERATION – (The following item(s) will require Council action.)

- 7:20 pm 8. TREE PRESERVATION
 - Staff Report
 - Public Comment
 - Council Consideration
- 8:45 pm 9. COUNCIL COMMENTS/REPORTS
- 9:00 pm 10. ADJOURNMENT

*PRELIMINARY CITY COUNCIL AGENDA

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APPROVAL OF MINUTES

**CITY OF UNIVERSITY PLACE
DRAFT MINUTES
Regular Meeting of the City Council
Monday, August 1, 2016
City Hall, Windmill Village**

1. CALL REGULAR MEETING TO ORDER

Mayor Figueroa called the Regular Meeting to order at 6:30 p.m.

2. ROLL CALL

Roll call was taken by the City Clerk as follows:

Councilmember Belleci	Present
Councilmember Grassi	Present
Councilmember McCluskey	Excused
Councilmember Nye	Present
Councilmember Worthington	Present
Mayor Pro Tem Keel	Present
Mayor Figueroa	Present

Staff Present: City Manager Sugg, City Attorney Victor, Engineering and Capital Projects Director Ecklund, Executive Director/ACM Craig, Communications/IT Manager Seesz, Paralegal Grover, and City Clerk Genetia.

MOTION: By Councilmember Belleci, seconded by Mayor Pro Tem Keel to excuse the absence of Councilmember McCluskey.

The motion carried.

3. PLEDGE OF ALLEGIANCE

Councilmember Belleci led the Pledge of Allegiance.

4. APPROVAL OF MINUTES

MOTION: By Councilmember Belleci, seconded by Councilmember Nye, to approve the minutes of July 18, 2016 as submitted.

The motion carried.

5. APPROVAL OF AGENDA

MOTION: By Councilmember Grassi, seconded by Councilmember Belleci, to approve the agenda.

The motion carried.

6. PUBLIC COMMENTS – None.

7. CONSENT AGENDA

MOTION: By Councilmember Belleci, seconded by Councilmember Grassi, to approve the Consent Agenda as follows:

- A.** Receive and File: Payroll for the period ending 07/15/16, dated 07/20/16, in the total amount of Two Hundred Eighteen Thousand Eight Hundred Nine and 82/100 Dollars (\$218,809.82); Claims dated

07/15/16, check nos. 51978472 through 51978554, and wire no. 18404355, in the total amount of One Million One Hundred Twenty-One Thousand Eight Hundred Forty-Eight and 84/100 Dollars (\$1,121,848.84).

- B. Receive and File: 2016 Preliminary Comprehensive Plan Amendment Public Participation Program per RCW 36.70A.140.
- C. Pass an Ordinance approving the revision of the corporate boundary of the City of University Place, where it coincides with a portion of 44th Street West in order to fully include that area within the corporate limits of the City. **(ORDINANCE NO. 672)**
- D. Adopt a Resolution in support of future United States Golf Association events at the Chambers Bay Golf Course. **(RESOLUTION NO. 814)**
- E. Authorize the payment of \$52,105.20 for the Rainer Communications Commission invoice for 2016 RCC membership dues covering January 1, 2016 through December 31, 2016.

The motion carried.

PUBLIC HEARING

8. SIX-YEAR TRANSPORTATION IMPROVEMENT PLAN UPDATE

Staff Report - Engineering and Capital Projects Director Ecklund presented the proposed amendments to the City's Six-Year Transportation Improvement Plan (TIP) for years 2017-2022. The City is required by State law to adopt and annually update a Six-Year Transportation Improvement Plan. The following revisions will be reflected in the 2017-2022 update:

- Removal of four projects (Mildred Street/67th Avenue Improvements, Bridgeport Way Phase 5, Bridgeport Way LID, and Elwood Drive SRTS) that have been or will be completed in 2016;
- Addition of a project for the construction of a pedestrian crosswalk in the vicinity of Charles Wright Academy;
- Update of funding status for Bridgeport Way Phase 4 (project #11), 35th Street Improvements (project #24), Mildred Street Overlay (project #34), and 67th Avenue Overlay (project #35) to reflect recent grant awards; and
- Update of project schedules and costs.

The approval of the Six-Year Transportation Improvement Plan does not commit the City to any financial expenditure; but rather, each project will be reviewed individually by the City Council in each relevant budget cycle as a component of the Capital Improvement Plan. Its approval, however, does create eligibility for the City to apply for various grant opportunities, and provides an indication of the City's planning direction for transportation needs.

Public Comment – The following individual provided comment on the matter: Sandra Karwhite, 6522 83rd Avenue West.

COUNCIL CONSIDERATION

9. SIX-YEAR TRANSPORTATION IMPROVEMENT PLAN UPDATE

Council Consideration – **MOTION:** By Councilmember Grassi, seconded by Councilmember Belleci, to adopt a resolution approving the Six-Year Transportation Plan for years 2017-2022.

The motion carried. (RESOLUTION NO. 815)

10. COUNCIL COMMENTS/REPORTS

City Manager Sugg reminded Council of the National Night Out event on Tuesday, August 2. The event is an annual community building campaign that promotes police community partnerships and neighborhood camaraderie to make the neighborhoods safer and better places to live. The event will begin at 4:00 p.m. with a meet and greet at the Civic Building atrium before heading out to the participating neighborhoods. He also mentioned that the 2015 U.S. Open banners are still available for sale.

Councilmember Belleci invited the public to attend the “Moonlight Movie in the Park” event, featuring the movie Zootopia, on August 6 at Cirque Park. Additional family activities have been planned for the event.

Mayor Pro Tem Keel announced that Pierce Transit will be holding a public hearing on the Pierce Transit Development Plan at 4:00 p.m. on August 8, 2016 at the Pierce Transit Headquarters.

Councilmember Worthington reported that he, along with other elected officials, attended an event put together by the Pierce County Executive at which she announced that the USGA will be bringing a future event to Chambers Bay Golf Course – the 2019 U.S. Amateur Four-Ball Championship. He also mentioned that he attended the town of Steilacoom’s council meeting where Mayor Pro Tem Keel, as one of the Association of Washington Cities (AWC) board members, made a presentation recognizing Representative Dick Muri as the cities champion during this past legislative session.

At 6:53 p.m., a motion was made and was carried to conclude the business meeting and recess to Study Session.

STUDY SESSION

11. CITY NEWSPAPER

City Attorney Victor provided a brief background on prior discussions regarding the replacement of the City’s newsletter. Since this marks the first year of the University Place Press, Mr. Victor asked for Council input regarding the level of satisfaction with the City newspaper and discussion to identify potential outcomes – whether (1) to continue with the PCCNG agreement in its current form; (2) to attempt renegotiation of the PCCNG agreement with the understanding that scope changes may increase costs; or (3) to terminate the agreement and issue a new RFP, or (4) return to the U.P. Headlines. Should the City decide to discontinue the partnership, a notice of termination will need to be issued by the end of October.

Although the University Place Press has received positive comments from constituents, Council feels that it could be improved and provided points of concern/feedback, including:

- Type of stories need to be more University Place centered in the overall newspaper;
- Council Corner is a misleading and confusing tag line – it needs to be changed;
- Inconsistent delivery;
- Contents are repetition of Tacoma Weekly news stories;
- Add a minimum of 12 issues to cover U.P. centered businesses; general U.P. news coverage covered by PCCNG reporters;
- Require a reporter to come to Council meetings to cover Council studies and actions;
- Additional outreach to University Place businesses for advertising;
- Be able to use the City’s section in different ways, for example, something relevant to Council business discussions;
- City should have specific detailed outreach plan for certain City issues and budgets;
- Partner with the Sheriff’s Department to come up with a Crime stoppers/police blotter that pertains to University Place;
- Obtain publisher’s feedback; and
- Additional color on City pages.

The Council supported the renewal and renegotiation of the contract with PCCNG with modifications to be made in a formal amendment process.

12. ADJOURNMENT - The meeting adjourned at 7:34p.m. No other action was taken.

Submitted by,

Emy Genetia
City Clerk

APPROVAL OF CONSENT AGENDA

City of University Place
Voucher Approval Document

Control No.: 5 Agenda of: 08/17/15	PREPAY
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Claim of: Payroll for Pay Period Ending 07/31/15

Check #	Date	Amount		Check #	Date	Amount
318457	08/05/15	776.15		318461	08/05/15	279.86
318458	08/05/15	420.34		318462	08/05/15	1,648.49
318459	08/05/15	486.09		318463	08/05/15	1,127.04
318460	08/05/15	794.71				

08/05/15 117,582.08 DIRECT DEPOSIT

EMPLOYEE NET 123,114.76

318464	08/05/15	18,143.12	- 106006, VANTAGEPOINT TRANSF
318465	08/05/15	3,231.73	- 106006 LOAN, VANTAGEPOINT
318466	08/05/15	5,658.97	- 304197, VANTAGEPOINT TRANSF
318467	08/05/15	4,005.60	- 800263, VANTAGEPOINT TRANSF
318468	08/05/15	518.32	- 304197 LOAN, VANTAGEPOINT TR
318469	08/05/15	1,885.00	HOWE TRUSTEE, DAVID M.
318470	08/05/15	228.75	IUOE LOCAL 612
318471	08/05/15	3,850.01	IUOE LOCALS 302/612 TRUST FUND
318472	08/05/15	250.00	NATIONWIDE RETIREMENT SOLUTION
318473	08/05/15	1,132.92	PACIFIC SOURCE ADMINISTRATORS
318474	08/05/15	7.50	PACIFIC SOURCE ADMINISTRATORS
318475	08/05/15	2,047.29	UNUM LIFE INSURANCE COMPANY
318476	08/05/15	718.46	UNUM LIFE INSURANCE COMPANY

WIRE	08/05/15	64,671.99	AWC EMPLOYEE BENEFIT TRUST
WIRE	08/05/15	25,547.31	BANK OF AMERICA
WIRE	08/05/15	27,499.69	WA STATE DEPT OF RETIREMENT SY
WIRE	08/05/15	79.90	AFLAC INSURANCE
WIRE	08/05/15	890.30	WA ST DEPT OF RETIREMENT SYS

BENEFIT/DEDUCTION AMOUNT 160,366.86

TOTAL AMOUNT 283,481.62

Preparer Certification:

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein and that the claim is a just, due and unpaid obligation against the above-named governmental unit, and that I am authorized to authenticate and certify to said claim.

Signed: _____ (Signature on file.) _____ Date _____
 Steve Sugg, City Manager

COUNCIL CONSIDERATION

**Business of the City Council
City of University Place, WA**

Proposed Council Action:

Pass an ordinance amending Chapter 19.65 Landscaping/Trees of the University Place Municipal Code pertaining to purpose, enforcement and penalties, definitions, exemptions, maintenance, urban forest management, tree retention, tree retention plans, tree removal in subdivisions, tree replacement, tree maintenance and pruning, and other related provisions.

Agenda No: 8

Dept. Origin: Planning & Development Services

For Agenda of: August 15, 2016

Exhibits: Proposed Ordinance
Ordinance Exhibit A- Proposed Amendments
Proposed Council Amendments & Responses

Concurred by Mayor: _____

Approved by City Manager: _____

Approved as to form by City Atty.: _____

Approved by Finance Director: _____

Approved by Department Head: _____

Expenditure Required: \$0.00	Amount Budgeted: \$0.000	Appropriation Required: \$0.00
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SUMMARY/POLICY ISSUES

On July 29, 2012, the City Council held a study session to discuss the protection of scenic views and raised questions concerning the City's tree retention provisions. Council requested Planning Commission review of existing regulations and adopted Resolution No. 698, which directed the Commission to recommend language to clarify existing Zoning Code provisions regarding:

- a. The number of trees that property owners are allowed to cut down in a three-year period; and
- b. City staff's availability to consult on the determination of what constitutes a dangerous or hazardous tree.

The proposed amendments address the City Council Resolution by:

- Authorizing staff to make certain hazard tree determinations without the need of a certified urban forester; and
- Allowing smaller, invasive and nuisance trees to be removed without a tree removal permit, thereby allowing additional, but less significant, trees to be cut within a three year period.

The amendments would add or modify a number of tree retention provisions, including: definitions; the size threshold for regulated trees; options for determining tree retention; the process for evaluating trees, designing projects around them, and protecting retained trees during construction; and nuisance and invasive tree provisions. They would provide consistency with the newly updated comprehensive plan by supporting policies to "protect and enhance the natural green and wooded character of the city by retaining an abundance of mature trees". The amendments would reduce unintended consequences such as the retention of trees having little aesthetic or ecological value by providing more flexibility for developers to work with staff in developing plans that focus on protecting larger and more beneficial trees rather than smaller and less desirable trees.

BOARD OR COMMITTEE RECOMMENDATION

The Planning Commission recommends approval of amendments to UPMC Chapter 19.65 Landscaping/Trees. These amendments are contained in Proposed Ordinance Exhibit A attached to this Council Bill, with modifications to the enforcement and penalties section as requested by Council at its June 20, 2016 meeting.

RECOMMENDATION / MOTION

MOVE TO: Pass an ordinance amending Chapter 19.65 Landscaping/Trees of the University Place Municipal Code pertaining to purpose, enforcement and penalties, definitions, exemptions, maintenance, urban forest management, tree retention, tree retention plans, tree removal in subdivisions, tree replacement, tree maintenance and pruning, and other related provisions.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING TITLE 19 CHAPTER 19.65 LANDSCAPING/TREES OF THE UNIVERSITY PLACE MUNICIPAL CODE PERTAINING TO PURPOSE, ENFORCEMENT AND PENALTIES, DEFINITIONS, EXEMPTIONS, MAINTENANCE, URBAN FOREST MANAGEMENT, TREE RETENTION, REMOVAL IN SUBDIVISIONS, TREE REPLACEMENT, TREE MAINTENANCE AND PRUNING, AND OTHER RELATED PROVISIONS

WHEREAS, in enacting the Growth Management Act (Chapter 36.70A RCW, hereafter GMA) the Legislature found that "uncoordinated and unplanned growth, together with a lack of common goals expressing the public's interest in the conservation and the wise use of our lands, pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of this state"; and

WHEREAS, the GMA requires that local governments meeting certain criteria, including the City of University Place, adopt development regulations to guide development subject to state regulations, multi-county and countywide planning policies, and comprehensive plan goals and policies; and

WHEREAS, the City Council established and appointed the Planning Commission to advise the City Council on the following topics: growth management; general land use and transportation planning; long range capital improvement plans; and other matters as directed by the City Council; and

WHEREAS, the Planning Commission is charged with holding hearings on and preparing development regulations for the City and making recommendations to the City Council on amendments to these regulations; and

WHEREAS, on August 20, 2012, the Council requested the Planning Commission review existing tree preservation regulations and adopted Resolution No. 698, which directed the Commission to recommend language to clarify existing provisions regarding the number of trees that property owners are allowed to cut down in a three-year period and staff's availability to consult on the determination of what constitutes a dangerous or hazardous tree; and

WHEREAS, on September 23, 2015, the City submitted a set of draft amendments to the Department of Commerce to initiate the mandatory 60-day state agency review period; and

WHEREAS, the state agency review period ended on November 22, 2015 and no agency comments were received; and

WHEREAS, the City issued a *SEPA Determination of Non-significance* on September 23, 2015 with a 14-day comment period ending October 6, 2015, and no adverse comments were received; and

WHEREAS, the City published a *Notice of Public Hearing* in the Tacoma News Tribune on September 23, 2015 regarding an October 7, 2015 Planning Commission public hearing to be held on the draft code amendments; and

WHEREAS, the Planning Commission conducted a public hearing on October 7, 2015 to consider written and oral public comments on the draft amendments, considered the approval criteria listed in UPMC 19.90.030, and voted unanimously to recommend to the City Council approval of the draft amendments; and

WHEREAS, the City Council conducted a public review of the recommended amendments at meetings held on January 19, 2016, April 4, 2016, June 20, 2016, July 5, 2016 and August 15, 2016; and

WHEREAS, the City Council has considered the approval criteria listed in UPMC 19.90.030 and adopted the following findings in support of the amendments:

1. The proposed tree retention amendments reflect, and respond to, changes that have occurred in University Place since incorporation in 1995. The amendments will ensure consistency with University Place Comprehensive Plan goals, objectives and policies, including the following:

GOAL CC6

Promote the planning, management and preservation of a safe and healthy urban forest that reflects community character goals by establishing effective programs, practices, landscaping standards, and guidelines.

Policy CC6A

Encourage the use of native, drought-tolerant plants to provide for an attractive urban setting; support the urban citywide tree canopy and wildlife; buffer the visual impacts of development; help reduce storm water runoff; and, contribute to the planting, maintenance, and preservation of a stable and sustainable urban forest. Require landscaping with a drought-tolerant native plant component (trees, shrubs and groundcovers) to be installed when development activities, including new construction and substantial alterations of existing structures, parking areas, streets and sidewalks, take place.

Policy CC6B

Ensure that City landscaping standards and guidelines promote plant retention, selection, installation and maintenance. These standards are intended to maintain existing trees when practicable, more effectively ensure that plants survive and thrive, minimize conflicts with infrastructure, and in some cases provide a substantial visual screen or buffer. The City should periodically review the effectiveness of its landscaping and tree retention requirements and amend them as necessary to ensure they will achieve desired urban forest goals and objectives.

GOAL EN3

Protect and improve the essential livability of the urban environment.

TREES AND LANDSCAPING

Policy EN3K

Protect and enhance the natural green and wooded character of University Place. Retain an abundance of mature trees and a healthy understory to maintain community identity and contribute to a healthy environment by cleaning the air, producing oxygen, reducing surface water run-off, providing wildlife habitat, absorbing sound and masking noise, and reducing energy costs through shading and windbreak functions.

Policy EN3L

Encourage preservation of significant trees and planting of new trees in locations that allow normal growth patterns, support energy conservation and complement view access, light, privacy and safety needs. Plant deciduous trees where summer shade, winter solar gain, and seasonal change will be beneficial or desired. Plant evergreen trees where year-around beauty, visual screening and noise buffering are desired. Require street trees along all new and substantially modified arterial, collector and local streets.

Policy EN3O

Require tree surveys for new developments to identify healthy significant trees that should be preserved. Focus tree retention on the perimeter of a development site where building setbacks already preclude construction while also preserving significant trees in the interior of a site. Protect trees designated for preservation from development impacts. Require replacement trees if the requisite number of trees cannot be preserved.

2. The proposed amendments are in the best interest of the citizens and property owners of the City as the amended regulations will more carefully direct growth and manage change in the community with respect to tree retention in a manner consistent with community aspirations;

3. The proposed amendments enhance the public health, safety, comfort, convenience or general welfare by refining tree retention regulations that will more effectively implement Comprehensive Plan objectives and directives supported by the community;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. University Place Municipal Code Title 19 Zoning Amendments Adopted. The City of University Place Municipal Code is hereby amended as indicated in Exhibit "A" attached.

Section 2. Severability. If any section, sentence, clause or phrase of this Title shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Title.

Section 3. Publication and Effective Date. A summary of this ordinance, consisting of its title, shall be published in the official newspaper of the City. This ordinance shall be effective five (5) days after its publication.

PASSED BY THE CITY COUNCIL ON AUGUST 15, 2016.

Javier H. Figueroa, Mayor

ATTEST:

Emelita Genetia, City Clerk

APPROVED AS TO FORM:

Steve Victor, City Attorney

Published: xx/xx/xx
Effective Date: xx/xx/xx

City of University Place

Tree Retention Code Amendments

Chapter 19.65 Landscaping/Trees

19.65.010 Purpose.

The purposes of this chapter are:

- A. To implement the City’s vision statement and the goals and policies of the Comprehensive Plan;
- B. To protect and enhance the natural green and wooded character of University Place for aesthetics and community enjoyment;
- C. To promote the compatibility between land uses and zones by reducing the visual, noise and lighting impacts of development on users of the site and abutting uses;
- D. To protect critical areas from the impacts of development, by facilitating aquifer recharge, protecting urban wildlife habitat, reducing stormwater runoff and pollution of surface waters, and controlling dust, erosion and sedimentation;
- E. To promote the use and protection of vegetation native and common to the Puget Sound region;
- F. To promote the application of water-efficient techniques in the design, installation and maintenance of landscaping; ~~and~~
- G. To provide physical safety of pedestrians and motorists through the proper location and placement of vegetation; ~~and~~
- H. To protect public health through the absorption of air pollutants and contamination, and by capturing carbon dioxide;
- I. To provide visual screening and summer cooling;
- J. To reduce energy demand and urban heat island impacts; ~~and~~
- K. To enhance property values; and
- L. To preserve scenic views, including views from public property and the City right-of-way.

19.65.020 Authority.

The Department shall review and may approve, disapprove or approve with modification all permits, site plans, and/or landscape plans for all uses and developments which are required to comply with the provisions of this section. This section includes landscaping requirements and urban forest management. Chapter [76.09](#) RCW and Chapter [222-20](#) WAC authorize the urban forest management provisions of this chapter.

19.65.030 Disclaimer of liability.

The City is not liable for any damage to property or injury to persons that results because of landscaping or trees that must be retained as required by this section whether by natural and/or other causes. It shall be the responsibility of property owners to question the safety of landscape requirements or the health and safety of trees and to request modification of landscape requirements or review of diseased and/or dangerous trees as provided for in this section.

19.65.040 Enforcement and penalties.

A. It shall be unlawful to remove any tree or vegetation in a manner inconsistent with this chapter, an approved tree preservation plan and/or a plat note which requires the preservation of trees and/or vegetation.

B. In addition to any other sanction or penalty or any remedial or administrative procedure available under the University Place Municipal Code or State law for a violation of any provision of this chapter or failure to comply with any permit or other written order or decision issued pursuant to this chapter, a monetary penalty of one thousand dollars for each tree cleared, cut, damaged or removed, or for each act of clearing, cutting, damaging, or removing shall ~~vegetation, shall~~ be assessed. ~~that is the greater of:~~

~~1. One thousand dollars for each tree cleared, cut, damaged or removed, or for each act of clearing, cutting, damaging, or removing vegetation; or~~

~~2. Triple the value of each tree cleared, cut, damaged or removed, or of the vegetation cleared, cut, damaged, or removed. The replacement value shall be determined using the methods described in the Guide for Plant Appraisal published by the International Society of Arboriculture, most current edition; or~~

~~3. An amount reasonably determined by the Director to be equivalent to the economic benefit that the violator derives from the violation as measured by the greater of the resulting increase in market value of the property or the value received by the violator, or savings of construction costs realized by the violator.~~

C. In the case of urban forest management, the City ~~may~~ shall impose a six-year moratorium on the development of the subject property when a property owner either fails to obtain a tree removal permit or violates the provisions of a valid tree removal permit, including failure to disclose the intended use of the property.

D. In addition to the monetary penalties above, each tree illegally removed shall be replaced with new trees of the same species at a replacement rate of three trees for every tree removed. The City may authorize an alternative species or cultivar if it would be a more suitable and beneficial selection for a specific location given unique site characteristics.

19.65.050 Permits.

A. Tree Removal Permit. A tree removal permit is required to cut or otherwise remove six or more trees in any consecutive 36-month period. An application for a tree removal permit and any information required by this section shall be submitted for any tree removal activity not exempt by this section. If six or more trees are to be removed, a tree removal permit application shall be submitted at the same time an application for a building permit, development permit or land use permit is submitted. The application shall be on a form provided by the City and shall be accompanied by documents and information as are determined to be necessary by the Director. Notification of abutting and adjacent property owners is required.

B. The City may refer applications to an urban forester for comments. Any permit granted shall expire one year from the date of issuance. Upon a showing of good cause, a permit may be extended by the Director for one six-month period. The permit may be suspended or revoked by the Director because of incorrect information supplied or any violation of the provisions of this chapter. No work shall begin until a public notice has been posted on the subject site in a conspicuous location. The notice shall remain posted until the project has been completed.

19.65.060 Definitions.

“Brushing” means the practice of removing significant groundcover by hand or hand-operated equipment to create better visibility on a property for purposes such as marketing or surveying of said property.

“Christmas tree” means any evergreen tree or the top thereof, commonly known as a Christmas tree, with limbs and branches, with or without roots including fir, pine, spruce, cedar and other coniferous species.

“Clearing” means the cutting, moving on site, or removal of standing or fallen timber (including stumps); the removal or moving on site of stumps; or the cutting or removal of brush, grass, groundcover, or other vegetative matter from a site in a way which exposes the earth’s surface of the site.

“Conversion” means converting the use of land from forestry to non-forestry uses.

“Critical root zone” is an area where the tree’s roots are located. This root zone is generally the area surrounding a tree at a distance which is equal to one-foot radius for every diameter-inch measured at breast height (DBH) or four and one-half feet above ground.

“Crown” is the area of a tree containing leaf- or needle-bearing branches.

“Development” is the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargements of any structure; any mining, excavation, landfill, stockpiling, clearing or land disturbance; and any use or extension of use of the land.

“Diameter at breast height” (DBH) is a tree’s diameter in inches at four and one-half feet above the ground. On multi-stemmed or multi-trunked trees, the diameter shall be the diameter equivalent to the sum of trunk areas measured at four and one-half feet above ground.

“Drip line” of a tree means an imaginary line on the ground created by the vertical projection of the foliage at its greatest circumference.

“Forest practices” means any activity relating to growing trees and harvesting or processing timber including but not limited to road and trail construction; harvesting; thinning; reforestation, fertilization, prevention and suppression of diseases and insects; salvage of trees; and brush control.

“Groundcover” means types of vegetation which are normally terrestrial such as shrubs, vines, grasses, and herbaceous plants.

“Hazard tree” is any tree with a structural defect and/or disease which makes it subject to a high probability of failure and with a proximity to persons or property that makes it an imminent threat.

“Invasive tree” is a species that was introduced by humans to locations outside of their native range that spread and persist over large areas. Invasive species negatively impact natural ecosystems by displacing native species, reducing biological diversity, and interfering with natural succession. Tree species known to be invasive in the Pacific Northwest are listed in UPMC 19.65.330.

“Limited tree removal” is the removal of five trees or less in any 36 consecutive months for the purposes of property development, solar access, general property and utility maintenance, landscaping or gardening. ~~Tree removal in a landslide and erosion hazard area, a wildlife habitat area or a wetland or wetland buffer is prohibited unless specified otherwise.~~

“Nuisance tree” is a species that is known to be weak-wooded and unstable, or one that exhibits other traits that render it prone to creating nuisance conditions for persons and property located in close proximity to such trees. Tree species categorized as nuisance trees in University Place are listed in UPMC 19.65.340.

“Outdoor storage area” means an area on a site where materials, merchandise and/or equipment is stored outdoors.

“Remove” or **“removal”** is the act of removing a tree by digging up, cutting down, or any act which causes the tree to die within a period of three years, including, but not limited to, damage inflicted on the root system by machinery, storage of materials, or soil compacting, or changing the ground level in the area of the tree’s root system; damage inflicted on the tree permitting infections or infestation; excessive pruning; topping; paving with concrete, asphalt, or other impervious material within the drip line; or any other action which is deemed harmful to the tree.

“Replacement tree” means any self-supporting perennial woody plant that ~~matures at a height greater than six feet and~~ measures at least six feet in height at the time of planting and at 24 inches above the root ball has a diameter of at least three inches for evergreen trees, and is fully branched and has a minimum caliper of two inches and a minimum height of 10 feet at time of planting~~one and one half inches~~ for deciduous trees.

“Significant tree” means a tree identified on the City’s inventory of significant trees.

“Tree” means ~~any~~ living woody plant characterized by one or more main stems or trunks and many branches, with the trunk or at least one main stem having a diameter of at least twelve~~six~~ inches DBH or more at breast height (DBH) for evergreen trees and at least nine inches DBH for deciduous trees. Invasive, nuisance or hazard trees, of any size, as determined by the City, are not considered trees for the purposes of this chapter.

• **“Tree removal permit”** means a permit issued by the City to permit clearing and/or tree removal pursuant to the provisions of this chapter.

“Tree Topping” is an extreme form of crown reduction that removes whole tops of trees or large branches and/or trunks from the tops of trees, leaving stubs or lateral branches that are too small to assume the role of a terminal leader – the vertical stem at the top of the trunk. Tree topping severely cuts back large trees to a predetermined size in a manner that:

- leaves large exposed wounds that can become infested;
- ruins tree structure;
- removes too much foliage, disrupting the tree’s energy storage;
- stimulates vigorous new growth, which is prone to breakage;
- increases tree maintenance costs; and
- destroys a tree’s appearance and value.

“Understory” means small trees and shrubs growing below the canopy of larger trees.

“Urban forest management” means the management of trees in the City, whether on public or private property, for the purposes of but not limited to maintaining the wooded character of the City and property values; providing wildlife habitat, buffering, and wind protection; facilitating aquifer recharge and slope stabilization and enhancing our healthy, safe, and attractive environment.

“Urban forester” is a licensed professional approved by the City with academic and/or field experience that makes him or her a recognized expert in tree preservation and management. For City approval, an urban forester shall be a Society of American Foresters (SAF) Certified Forester, a certified arborist with the an International Society of Arboriculture (ISA) Certified Arborist, or an American Society of Consulting Arborists (ASCA) Registered Consulting Arborist. ~~Submission of additional credentials including those of a registered arborist with the American Association of Consulting Arborists is encouraged. An urban forester shall have the necessary~~

~~training and experience to use and apply the International Society of Arboriculture's guide to evaluation and management of trees, "Guide to the Evaluation of Hazard Trees in Urban Areas," and to successfully provide the necessary expertise relating to management of trees specified in this chapter.~~

19.65.070 Exemptions.

The following shall be exempt from the tree removal permit requirements of this chapter but shall satisfy all standards and requirements of UPMC [19.65.240](#) and other sections as noted below. Except for limited tree removal, a written exemption must be obtained from the City prior to commencing any clearing or tree removal.

A. Limited tree removal except in the following critical areas: landslide and erosion hazard area, fish and wildlife habitat area or its buffer, and/or wetland or wetland buffer -- unless authorized pursuant to Title 17 Critical Areas~~otherwise specified. City notification is required to assist in record keeping.~~

B. Removal of trees where the trunks are located and groundcover in conjunction with new construction within a maximum of 10 feet of an existing the perimeter of the new building that will remain on a site and any area proposed to be cleared for driveway and septic purposes as indicated on a plot plan submitted with a building permit application; provided, however, the Director may require minor modifications in siting and placement of driveways, utilities and septic tank drain field systems where such modifications will promote the goals of this chapter and still satisfy the need and function of improvements. This exemption does not allow tree removal prior to preliminary plat, final plat, or short plat approval.

C. Removal of hazard trees ~~and groundcover~~ in emergency situations involving immediate danger to life or property or substantial fire hazards as determined by the City. Replacement of any trees removed is required in accordance with the replacement provisions of this chapter.

D. Removal of a hazard tree(s) following an affirmative recommendation by an ISA-Certified Arborist or ASCA Registered Consulting Arborist that the tree is a safety hazard and should be removed. The ~~Certified~~ arborist shall conduct an assessment in accordance with ANSI A300 (Part 9) – 2011 Tree Risk Assessment and provide a written report that includes: identification and location of the specified trees; a description of the methods used; tree risk assessment data; recommendations for mitigating risk or additional assessments; and, recommendations for monitoring and follow-up. The arborist performing this work shall have a Tree Risk Assessment Qualification (TRAQ) or equivalent. The City may, at its discretion and in consideration of ISA tree risk assessment guidance, waive the certified or registered arborist requirement if City staff conducts an on-site inspection and determines that a tree clearly and obviously constitutes a hazard. City staff should consider the following conditions when conducting a tree risk assessment:

- Is the tree dead, diseased, decayed, burned or otherwise damaged;

- Are there multiple weak branch attachments, broken and/or hanging limbs;
- Is the foliage sparse, and/or discolored;
- Is there evidence of root rot/exposed, undermined or pruned roots or a restricted root area;
- If leaning what is the degree of lean. Are roots broken or is the soil heaving or cracking;
- Is the top broken on conifers; and
- Are there targets such as buildings, parking, or traffic or pedestrian facilities below the tree?
Can the target(s) be moved

Upon such inspection, staff may determine that further review by a certified or registered arborist is required before making a determination as to whether a tree constitutes a hazard. use the most recent edition of the Photographic Guide to the Evaluation of Hazard Trees in Urban Areas and the Tree Hazard Evaluation Form published by the International Society of Arboriculture.

E. Removal of ~~obviously dead or diseased groundcover or windthrow trees.~~ Replacement of any trees removed is required in accordance with the replacement provisions of this chapter.

F. Emergencies. Removal of trees necessary to protect public safety or public or private property from imminent danger in response to emergencies declared by the City, County, State or Federal governments. In the case of a declared emergency, the written approval requirement shall be waived.

G. Removal of street trees, when performed by or on behalf of the City to maintain rights-of-way and in the interest of public safety.

H. Removal of trees that interfere with existing utility transmission lines when pruning is not sufficient to alleviate the interference condition. Topping is prohibited. Utility pruning shall be conducted in accordance with the latest edition of the United States Department of Agriculture’s Publication NA-FR-01-95 How to Prune Trees available on-the web, except that tree pruning for utilities shall be conducted in accordance with the latest edition of the International Society of Arboriculture’s Best Management Practices – Utility Pruning of Trees.

19.65.080 Required water conservation.

During periods when water conservation is required, new landscaping and maintenance of existing required landscaping shall not be required. However, following the lifting of water restrictions, any landscaping required during the period of the required conservation shall be installed and all required landscaping shall be restored to a healthy condition. Any required landscaping that has died shall be replaced in accordance with UPMC [19.65.220](#).

19.65.090 Landscaping.

Landscaping shall be located along street frontages, around the perimeter, in parking areas and/or on other areas of a site in accordance with the following sections and the landscape tables in UPMC [19.65.150](#)(A) and (B). This subsection shall apply to the following:

A. New Development. All new uses shall provide landscaping in accordance with the requirements of this chapter. The landscape tables indicate the particular landscape category which applies to proposed uses. The tables and other sections of this chapter shall be used as standards when landscaping requirements are imposed as part of a discretionary permit review process.

B. Expansions of or Alterations to Existing Uses. The requirements of this section shall apply to remodeling or expansion of existing uses under either of the following conditions: (1) when the remodeling or expansion results in the remodeling of or addition of 10 percent or more of the gross floor area of the existing principal building or, collectively, to any principal buildings in a ~~development project~~commercial center; or (2) when the remodeling or expansion results in cumulative improvements to the interior and/or exterior of a structure (except for normal maintenance, repair, and life/safety improvements including but not limited to reroofing, painting, recarpeting, fire sprinkler installation, and improved exiting and accessibility), which within a 12-month period exceeds a cumulative value of 10 percent of the assessed value of the structure as assessed by the Pierce County Assessor's Office. All landscape requirements of this section shall apply to the entire property. The landscape tables indicate the particular landscape category which applies to proposed expansion or alteration. Where conformance with this section would create a nonconformity of parking standards or would conflict with the location of existing buildings on the lot, the Director shall determine how the code is to be applied. The Director shall use landscape averaging by requiring more landscaping in one area and reducing it in another. In determining how to apply the landscaping requirements in such circumstances, the Director shall use the following criteria in deciding which of the landscaping requirements to adjust, listed in the order of highest importance:

1. Compliance with street frontage landscaping standards;
2. Compliance with perimeter landscaping standards;
3. Compliance with internal area of parking lot standards;
4. Compliance with other landscaping standards of this title.

C. Change of Use or Occupancy. When the use of a building or lot changes to another use which does not involve expansion or remodeling as provided in subsection (B) of this section, such use need not provide additional landscaping except under the following circumstances:

1. Additional off-street parking is required, in which case the landscaping required by UPMC [19.65.110](#) shall be required for all new parking spaces or parking facilities provided.
2. The use is subject to special use permit in which case the review authority shall establish the minimum landscape requirements for the specific use.
3. New uses, storage or other activities will take place outdoors, in which case the requirements of UPMC [19.65.120](#) shall apply.

4. The previous use did not comply with the requirements of the landscaping regulations in effect at the time it was established.

5. Difference of Standards. Where there is a difference in the standards listed in this section and the specific requirements listed for specific uses, the more stringent will apply. The Director may permit alternative landscaping, as provided in UPMC [19.65.170](#), when the overall site development plan proposed provides equivalent or better results than required by this title.

6. If contiguous lots are developed jointly, the requirement for perimeter buffering between the jointly developed lots shall not be required.

7. No street frontage landscaping is required for single-family or ~~duplex two-family~~ dwellings constructed on a lot of record that existed on the effective date of this code.

19.65.095 Difference of standards.

Where there is a difference between the standards listed in this chapter and the specific requirements listed for specific uses, the more stringent will apply. Landscaping design standards and guidelines specified for small lot development, multifamily development, and projects located within the Town Center, Mixed Use, Mixed Use – Office, Mixed Use – Maritime, or Community Commercial zones shall prevail when conflicts between this chapter and these specific requirements exist. The Director may permit alternative landscaping, as provided in UPMC [19.65.170](#), when the overall site development plan proposed provides equivalent or better results than required by this title.

19.65.100 Street frontage landscaping.

Any portion of any use, except individual single-family or ~~duplex two-family~~ lots, that abuts a public right-of-way shall install Level III landscaping unless otherwise specified. See Figure 1 in UPMC [19.65.140](#).

19.65.105 Transition landscaping requirements.

Development or redevelopment of uses not permitted in the R1 or R2 zones on those portions of properties that abut or are across a local street (as defined in Chapter [13.20](#) UPMC) from an R1 or R2 zoned property shall:

A. Install Level I landscaping within the front yard setback abutting all local streets. See Figure ~~13~~ in UPMC [19.65.140](#).

B. Install a solid 100 percent sight-obscuring six-foot-high fence or wall within or along the required setback along all local streets. The location of the fence or wall shall be approved by the Director. For the purposes of this section, a cyclone fence with slats is not a sight-obscuring fence.

19.65.110 Parking lot and impervious surface area landscaping.

A. The intent of this section is to break up and reduce the barren appearance of parking, circulation, loading, storage and other large impervious surface areas of a site. To the extent practicable, landscaped areas shall be dispersed throughout the impervious surface area.

B. Perimeter Street Landscaping. Any portion of a parking lot, outdoor sales area or other large impervious surface area that is within 20 feet of a public road right-of-way shall install Level III landscaping along that portion of the parking lot perimeter. See Figure 3 in UPMC [19.65.140](#).

C. Interior Landscaping. All surface parking lots with 10 or more spaces or combined outdoor sales areas greater than 1,600 square feet must provide interior landscaping as follows:

1. Row Requirement. The maximum number of consecutive vehicle parking or sales display spaces without an intervening island or peninsula is 10, unless the row fronts on a landscaping area with a minimum planting width of eight feet. For such rows, the maximum consecutive parking spaces without an intervening island or peninsula is 20 spaces. A landscaping island or peninsula is required at the end of each row of four or more automobile parking spaces that terminates within a parking or circulation area.

2. Island/Peninsula Requirement. Landscape islands and peninsulas shall have a minimum planting width and length of eight feet and minimum planting area of 120 square feet. There shall be at least one tree planted on every island and peninsula.

3. Planting Type and Density. The following landscaping is the minimum required for each 300 square feet of impervious surface landscaping: one two-inch caliper deciduous tree or one six-foot-tall evergreen tree; five five-gallon shrubs; and groundcover. There shall be a minimum of one deciduous canopy tree per four parking spaces or vehicle storage or sales display spaces. Deciduous canopy trees shall be selected in accordance with the Approved Street Tree Palette provided in the streetscape standards adopted pursuant to Chapter [19.54](#) UPMC.

4. Curb/Curb Edge. Planting areas shall be fully protected by curbs as a means of preventing injury to plants from pedestrian or vehicular traffic and to prevent landscaping material from entering the storm drainage system. No trees or shrubs shall be planted within two feet of a curb edge. Groundcover is required within this two-foot area.

19.65.120 Perimeter landscape buffering.

A. Intent. The intent of this section is to provide for a physical, visual and noise buffer and transition between uses. Different landscape/buffer levels are used to address different uses, compatibility and in conjunction with new subdivisions.

B. General Requirements. Refer to the tables in UPMC [19.65.150](#)(A) and (B) for the landscape level required by the proposed use, expansion or alteration. Each lot line will have a required landscape level based on the abutting land use except that, when two or more properties abut and share a common driveway or parking area, perimeter landscaping along the shared

property line may be waived. Pedestrian walkways shall be permitted to cross required landscape areas. Refer to Figures 1, 2, and 3 in UPMC [19.65.140](#) for illustration of perimeter landscaping requirements.

C. If contiguous lots are developed jointly, the requirement for perimeter buffering between the jointly developed lots shall not apply.

D.Maintenance: Where landscaping has been required or a natural buffer has been set aside, no other use including, but not limited to, the construction of structures is allowed unless authorized by the original permit.

19.65.125 Residential development canopy tree requirement.

A minimum of one deciduous tree per 3,000 square feet of lot area shall be planted on each new single-family or duplex lot created through the short plat or conventional preliminary plat/final plat process after the effective date of the ordinance codified in this section. In addition, a minimum of one deciduous or evergreen tree per 2,000 square feet of dedicated common open space shall be planted within a project's open space area. If the calculation of the number of trees results in a fraction of one-half or greater, the fraction and the number of trees shall round up to the next whole number. If this calculation results in a fraction of less than one-half, the fraction and the number of trees shall round down to the previous whole number.

Planting on an individual lot shall occur prior to the building permit being finalized for a new dwelling unit on the lot. Trees required under this provision shall be in addition to any street trees required to be planted within a public street right-of-way or replacement trees required to be planted in accordance with UPMC [19.65.310](#). This section shall not apply to small lot developments designed in accordance with Chapter [19.53](#) UPMC.

19.65.130 Interior landscaping/site stabilization.

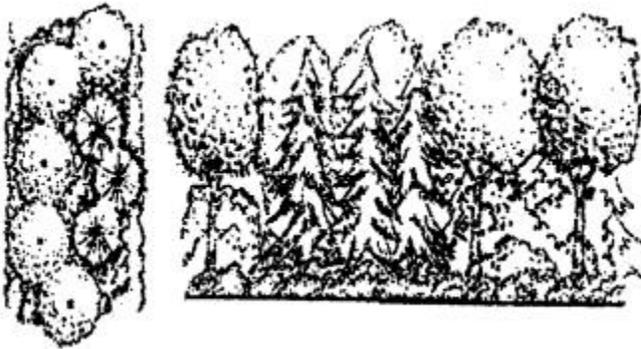
All interior portions of lots, parcels or tracts which are not developed with buildings, parking areas and/or accessory uses or where other more specific landscaping regulations are required shall be landscaped with Level IV landscaping, unless native vegetation already exists, and shall be maintained. This includes temporary stabilization of development sites.

19.65.140 Landscape levels.

A. Level I: Visual Screen. Level I landscaping is intended to provide a very dense sight barrier to significantly separate uses and zoning districts. It shall generally consist of a mix of predominantly evergreen plantings including living trees, shrubs and groundcovers. The choice and spacing of plantings shall be such that they will form a dense hedge sufficient to obscure sight through the screen within three years after planting. Where a sight-obscuring fence is required, chain-link fencing with slats shall not be considered to be sight-obscuring. Level I landscaping shall consist of the following:

1. A minimum of two staggered rows of evergreen trees planted along the entire length of the required buffer. Trees shall be chosen and spaced so as to form an effective visual screen, which creates a solid sight-obscuring barrier within three years of planting. Evergreen trees shall be planted no greater than 15 feet on center in each row.
2. The width of a Level I landscape buffer shall be no less than 20 feet. The area which is not planted with trees shall be planted with shrubs and groundcover. Shrubs shall be spaced no greater than five feet on center. Shrubs and groundcover shall be planted to attain a coverage of 90 percent of the planting area within three years.
3. Lawns may be used to cover up to 75 percent of the landscape area which is not planted with trees or shrubs.

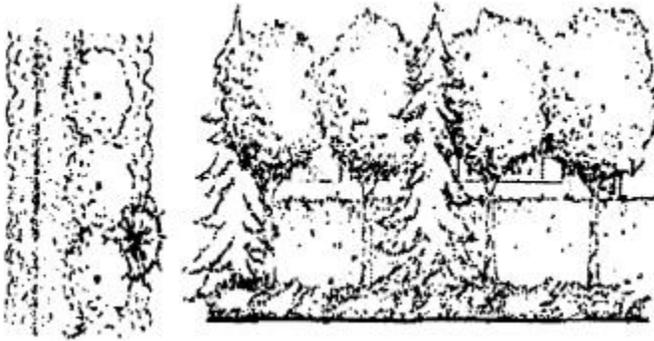
Figure 1. Landscaping Level I, Visual Screen



B. Level II: See-Through Buffer. Level II landscaping is intended to create a visual separation between uses and zones. Level II landscaping shall consist of:

1. A mix of evergreen and deciduous trees, with no more than 30 percent being deciduous. All trees shall be planted at intervals no greater than 10 feet on center.
2. The width of a Level II landscape buffer shall be no less than 12 feet. The area which is not planted with trees shall be planted with a mix of evergreen and deciduous shrubs, with not more than 30 percent being deciduous, planted at a density of seven per 100 square feet of planting area, together with other living groundcover planted to attain a coverage of 90 percent within three years of planting.

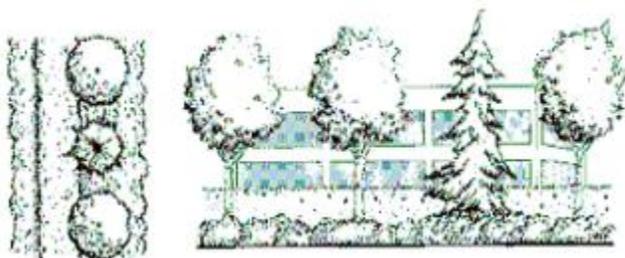
Figure 2. Landscaping Level II, See-Through Buffer



C. Level III: Ornamental Effects Landscaping. Level III landscaping is intended to provide a visual separation of uses from streets; and visual separation of compatible uses so as to soften the appearance of the development from public streets and soften the appearance of parking areas, buildings, and other improvements. Level III landscaping shall consist of:

1. Canopy-type deciduous trees or spreading evergreen trees planted in clumps or strips with a mix of living evergreen and deciduous groundcovers and low shrubs. Up to 100 percent of the trees may be deciduous. Trees shall be spaced at intervals no greater than 30 feet on center.
2. The width of a Level III landscape buffer shall be no less than five feet. The area which is not planted with trees shall be planted with shrubs and living groundcover chosen and planted to attain a coverage of 90 percent within three years of planting. Shrubs shall be planted at a density of five shrubs per 100 square feet of that portion of the landscape area which is not planted in lawn. Lawn may be used for up to 75 percent of the required groundcover.
3. Landscaping located within public rights-of-way shall be approved by the Department, prior to planting, as part of the review of landscape plans required by UPMC [19.65.200](#). Landscaping in the public right-of-way shall be in accordance with the “Design Standards and Guidelines for Streetscape Elements” adopted pursuant to Chapter [19.54](#) UPMC.

Figure 3. Landscaping Level III, Ornamental Effects



D. Level IV: Soil Stabilizing Vegetation/Landscaping. Level IV landscaping is intended to provide soil stability, prevent erosion and prevent sedimentation of off-site properties and improvements. Level IV landscaping shall consist of lawn, other living groundcover, shrubs and

trees with a root structure which stabilizes soil where necessary to prevent erosion and sedimentation. Type IV landscaping may include other organic and/or inorganic soil-stabilizing materials such as rockeries, retaining walls or other similar slope and soil stabilization devices. Level IV landscaping shall be established on all portions of development sites that are or have remained undeveloped for a period of six months.

Figure 4. Landscaping Level IV, Soil Stabilizing



19.65.150 Perimeter landscape tables.

A. Residential, Commercial and Industrial Table.

Existing Uses						
	School or Park	Single- or Two- Family <u>or Duplex</u> Dwellings	Multifamily and Senior Housing	Offices and Services	Commercial Uses	Industrial Uses
Proposed Uses						
Single- or Two- Family <u>or Duplex</u> Subdivisions	L3	<u>X</u>	L3	L1	L1	L1
Short Plats**	L3		L3	L3	L3	L3
Multifamily and Senior Housing*	L1	L1	L2	L1	L1	L1
Mixed Use	L1	L1	L1/L2***	L3	L3	L2
Religious Assembly and Day Care	L1	L1	L2	L1	L1	L1
Offices and Services	L1	L1	L1	L3	L3	L2
Commercial Uses	L1	L1	L1	L3	L3	L2
Industrial Uses	L1	L1	L1	L2	L2	L3

*Includes mobile home parks

**Required on newly created vacant lots only as a condition of building permit issuance. Installation required prior to building permit final.

***Mixed use projects that are predominantly commercial shall use an L1 buffer. Mixed use projects that are predominantly residential shall use an L2 buffer.

Note: Perimeter landscaping not required when development is adjacent to vacant land.

B. Public Facilities and Utilities Table.

Existing Uses						
	Single- or Two- Family <u>or</u> <u>Duplex</u> Dwellings	Single- or Two- Family <u>or Duplex</u> Subdivisions	Multifamily and Senior Housing	Offices and Services	Commercial Uses	Industrial Uses
Proposed Uses						
Government and Utility Offices	L1	L1	L1	L3	L3	L2
Schools and Parks	L1	L1	L1	L2	L2	L1
Government and Utility Maintenance Facilities	L1	L1	L1	L2	L2	L3
Sewage Treatment Plants	L1	L1	L1	L1	L1	L1
Accessory Utility Facilities	L2	L2	L2	L3	L3	L3

19.65.160 Not required in wetlands or across streams.

The landscape requirements of this chapter are not required in a wetland, wetland buffer, fish and wildlife buffers or across streams.

19.65.170 Modification of landscaping requirements.

A. Upon written request supported by one or more of the following instances the Director may authorize a reduced width of planting or waive some or all of the landscaping requirements:

1. Where, except those areas where Level IV landscaping is required, the requirement of this chapter would require more than 50 percent of the site area (excluding parking lots) to be landscaped, the Director may modify the requirements so that not more than 50 percent of the site area (excluding parking lots) must be landscaped. The Director may require more intensive

landscaping if the reduction in the required planting area would reduce the effectiveness of the landscaping to a point where the intent of the landscape level cannot be satisfied.

2. When the inclusion of existing vegetation on the site would result in landscaping equivalent to or better than the requirements of this chapter in achieving the intent of the required landscape level.

3. When existing conditions on or abutting the site, including, but not limited to, differences in elevation, existing vegetation, location of buildings or utilities would render the requirements of this chapter ineffective.

4. When Level I visual screening is required, an applicant may request to use plantings that can be expected to form a healthy sight-obscuring evergreen hedge within three years in lieu of two rows of trees. In reviewing such a request for modification, the Director shall consider the applicant's request in light of the intent of Level I landscaping and the nature of the use or development which is being screened.

5. When the applicant proposes an alternative method of landscaping that would achieve the intent and purpose of the landscaping required in this chapter and which the Director determines to provide superior quality through the use of native vegetation existing on site, preservation of groves of trees, preservation of wetlands and/or wildlife habitat, increasing perimeter landscape width in strategic locations, providing unique focal points of interest, or through other means.

6. When development will occur in phases and development of subsequent phases will result in removal of landscaping required by this title.

B. When approving a request for a modification of landscaping requirements, the Director shall issue findings upon which the approval is based. The Director may attach conditions to any such approval of a request for modification of landscaping requirements if necessary to assure that the intent of the landscape level and any modification thereof is maintained.

19.65.180 Planter boxes.

In limited circumstances the director may approve the use of planter boxes in lieu of Level III landscaping where such planter boxes will not obstruct sight distance.

19.65.190 Sizes and types of landscaping.

Landscape areas required pursuant to UPMC [19.65.090](#) through [19.65.150](#) shall conform to the following standards. All plant material shall meet or exceed ANSI Z60.1-1996 American Standards for Nursery Stock.

A. Trees, Evergreen. Size: Coniferous and broadleaf evergreen trees may be comprised of a mixture of sizes but shall not be less than six feet in height at time of planting. Tree material at

time of planting shall be of a sufficient size to meet ~~applicable the minimum height and landscape buffer or~~ screening requirements within 10 years of installation.

B. Trees, Deciduous. Size: Deciduous trees may be comprised of a mixture of sizes but shall be fully branched, have a minimum caliper of two inches and a minimum height of 10 feet at time of planting ~~unless the City determines that a particular species or cultivar, which is available only in a smaller size, is the preferred selection for a specific location.~~ Tree material at time of planting shall be of a sufficient size to meet ~~any applicable the minimum height and landscape buffer or~~ screening requirements within 10 years of installation.

C. Shrubs and Hedges. Size: Shrubs may be comprised of a mixture of sizes but shall not be less than 24 inches at time of planting. Shrub and hedge material at time of planting shall be of a sufficient size to meet the minimum height and screening requirements within three years of installation.

D. Groundcover, Vegetative. Size: Groundcover shall be planted to achieve a minimum planting area coverage of 90 percent of required coverage within three years of installation and shall achieve 100 percent of required coverage within five years of installation.

E. Groundcover, Inert. Wood chips, bark, decorative rock or other appropriate inert organic material may be used.

F. Lawn Sodded and Seeded. Newly seeded lawns or installed sod shall be comprised of drought-resistant and hardy varieties which, when properly installed and maintained, are capable of surviving under conditions of restricted water use.

19.65.200 Landscape plans.

A. A Landscape plan includes a planting plan and an irrigation plan and is required to be prepared for any landscape areas required in UPMC [19.65.100](#) through [19.65.130](#) including active recreation areas in formal subdivisions and short subdivisions. Other areas require only a planting plan. Plans shall be submitted to the Department for review and approval.

B. Landscape plans shall be prepared by a Washington State registered landscape architect, a Washington State certified nurseryperson, or a Washington State certified landscaper, except that landscape plans for short subdivisions and for street tree requirements may be prepared by the applicant. A certified irrigation designer shall prepare the irrigation plan.

C. A planting plan is required to ensure that the proposed plantings are in conformance with the standards and requirements of this chapter. A planting plan drawn to the same scale as the other development plans shall include, at a minimum, the following components:

1. The location of existing vegetation to be retained, proposed vegetation, property lines, impervious surfaces, existing or proposed buildings, natural or manmade water features or bodies, existing or proposed fences and retaining walls, critical lands and associated buffers, and designated recreational open space areas.

2. A plant schedule containing the botanical and common names of the new plant material, existing plant material proposed to be retained, the planting size of the material, the number of each plant, and any special planting instructions.

3. Whenever possible the landscape plan shall incorporate the recommendations contained in the City's publication on root control, water conservation and suggested plant material.

D. An irrigation plan is required to ensure that the planting will be watered at a sufficient level to ensure plant survival and healthy growth. All landscaped areas must provide an irrigation method as stated below:

1. Option 1. A permanent underground irrigation method with an automatic controller plus an overriding rain switch.

2. Option 2. An irrigation method which provides sufficient water to ensure that the plants will become established. The method shall be required to be permanent unless the plant materials selected are determined to be drought-tolerant by the Department, in which case irrigation standards shall be required only during the first growing season following installation. Even if drought-tolerant plants are used in the landscape design, there must be an identified method to easily provide water to the plants in the case of a prolonged drought. Any automatic/mechanical system designed under this option shall be fitted with an overriding rain switch.

E. Planting is encouraged to take place in the spring or fall planting season following final development permit approval, and shall be completed prior to final occupancy approval of the building. The Director may allow a postponement of the landscaping due to weather conditions, with appropriate financial guarantees to ensure completion, but in no case shall planting be postponed beyond 90 days after the certificate of occupancy is issued or final inspection. However, the Director may approve an alternative timeline associated with a phased project.

F. Following installation of the landscaping and irrigation, the person or persons who prepared the planting and irrigation plans shall submit, within 30 days, a signed affidavit that the landscaping and irrigation system has been installed per the approved plans. The City will conduct an inspection prior to final approval of the landscape plan.

19.65.210 Maintenance.

A. The following standards shall be followed for all required landscaping:

1. The property owner shall maintain all landscaping for the life of the land use.

2. All landscape materials shall be pruned and trimmed as necessary to maintain a healthy growing condition or to prevent primary limb failure. [Tree pruning shall be accomplished in accordance with the latest edition of the United States Department of Agriculture's Publication NA-FR-01-95 How to Prune Trees available on-the web.](#)

3. All landscape areas shall be kept free of trash.

B. Uses permitted by special use permits issued before the City’s incorporation where landscaping was required as a condition of approval shall be subject to the maintenance provisions of this section.

19.65.220 Replacement.

The following standards apply to the replacement of vegetation within required landscape areas:

A. Any installed plant material located within required landscape areas which dies shall be replaced during the spring or fall growing season following plant loss but not greater than 180 days from time of loss. This standard applies for the life of the project.

B. Any tree existing on site at the time of development, greater than four inches DBH, located within a required perimeter landscape buffer or parking lot landscape areas, shall be replaced during the spring or fall growing season following death or following a determination by an urban forester or the City that the tree is diseased or damaged and has a significant chance of toppling in high winds, but not greater than 180 days from time of loss. The existing tree shall be replaced on a two-for-one basis. Any future replacement of the initial replacement trees shall occur at a one-for-one ratio. This standard applies for the life of the project.

19.65.230 Financial guaranty.

A. Performance bonds or other appropriate security (including but not limited to an assignment of funds) in the amount of 125 percent of the approved estimated landscaping cost shall be required if landscaping is not installed. The financial guaranty shall be provided prior to issuance of occupancy, for nonresidential building permits, before final inspection of residential construction, and prior to final subdivision or short plat approval, whichever is applicable. Prior to accepting a financial guaranty, the City shall have approved the landscape plans and a cost estimate for completing the landscaping. The cost estimate shall include the cost of plant material, irrigation and labor, installation, and materials.

B. For all projects which require landscaping except short plats, an 18-month landscaping maintenance guaranty equal to the cost of the landscaping less the irrigation system shall be required prior to final project approval or release of the landscape performance bond. At the end of the 18-month period, the applicant shall request that the City inspect the landscaping to ensure all planted material is alive and healthy. Any plant material needing replacement shall be replaced in accordance with UPMC [19.65.220](#) and inspected prior to the release of the maintenance guaranty. After the maintenance bond is released, landscaping shall be maintained in accordance with UPMC [19.65.210](#).

19.65.240 Urban forest management.

The intent of this section is best stated in Comprehensive Plan policy EN316, which states, “Protect and enhance the natural green and wooded character of University Place.” Therefore,

projects shall be designed around existing trees, preserving the maximum ~~number~~amount of significant trees and retaining existing native vegetation to the extent as possible. The intent is ~~not to discourage~~ allow clear-cutting of a project site, mass grading and reliance on them replanting with smaller trees as mitigation for the loss of tree canopy. Forest practices except for Christmas tree cultivation are prohibited in University Place. Because of the likelihood that much of the remaining undeveloped privately-owned ~~all~~ lands within the City will be converted to urban development in the foreseeable~~near~~ future, all trees shall be managed in accordance with this chapter.

19.65.250 City tree account.

Funds kept for planting and maintenance of trees on City property and in public rights-of-way shall be kept in a City tree account. Funds shall be placed in the account by the City Council, from fines collected as a result of violations of this chapter, from payments in lieu of replacement trees, from private donations and from grants and loans for the purpose of establishing and maintaining trees in the City. A schedule of tree costs including tree purchase, installation and maintenance is adopted by separate resolution.

19.65.260 Significant trees.

The City may maintain an inventory of significant trees.

19.65.270 Tree retention in development situations.

A. This section regulates the removal of trees associated with the development process to encourage development, where practicable, to incorporate existing trees, particularly high quality or larger trees, into a design. It is the intent of these provisions to lessen the aesthetic and ecological impacts of tree removal.

~~A. Except as provided in subsection (C) of this section, a maximum of five trees may be removed within a 36-month period without a permit. Additional trees can only be removed in accordance with this chapter.~~

~~B. The following trees shall be retained: The applicant must show how existing trees, excluding invasive trees, nuisance trees and hazard trees, will be preserved by choosing one of the following options to identify those trees to be retained. Trees located within a critical area or associated buffer are excluded from the following calculations:~~

~~1. Preserve at least 35% of the trees located on the site;~~

~~2. Preserve all trees \geq 20 inches DBH and at least 20% of the total tree diameter on the site, where there are at least 4 trees \geq 20 inches DBH on the site;~~

~~3. Preserve at least 50% of all trees \geq 20 inches DBH and at least 25% of the total tree diameter on the site, where there are at least 4 trees \geq 20 inches DBH on the site;~~

4. Preserve at least 30% of the total tree diameter on the site, where all trees are < 20 inches DBH; or

5. Preserve at least 35% of the total regulated tree canopy area on the site, if the site is larger than two acres.

~~1. The maximum number of trees located within any required perimeter landscaping area and in no case less than 75 percent;~~

~~2. Twenty five percent of the trees located in the interior of the lot, excluding critical areas or their buffers;~~

C. In addition to those trees identified for retention in subsection B, the following trees shall be retained:

~~31. All trees within a critical area including wetlands or wetland buffers, fish and wildlife habitat buffers, or landslide and erosion hazard areas with slopes requiring preservation, (trees and vegetation shall be maintained in these critical areas in accordance with unless removal is authorized pursuant to UPMC Title 17). If the city determines that a tree located within a critical area is a hazard, the city may authorize conversion of the tree to a “habitat snag” by cutting the tree at the highest point possible that still eliminates a tree’s hazard risk. The lower portion of the tree remains in place as a habitat snag to provide habitat value for fish and wildlife. In addition, the upper portion of the tree is usually left on the ground to provide extra habitat value. Also, in order to compensate for the loss in habitat value, additional tree plantings in the critical area and/or buffer may be required as mitigation;~~

~~42. All trees within an identified scenic road corridor, wildlife corridor, or scenic trail identified in the City’s Parks, and Recreation and Open Space Plan or the Comprehensive Plan;~~

~~53. All significant trees; and~~

~~64. Trees located within a shoreline vegetation conservation area except when their removal is authorized in accordance with UPMC 18.25.100(F) and (G).~~

€D. Except as provided in subsection (C)(1)(B)(3) of this section, trees to be retained shall not include hazard trees that are determined to be exempt under UPMC 19.65.070(D), following inspection and a report in the format recommended by the International Society of Arboriculture’s Guide to the Evaluation of Hazard Trees in Urban Areas prepared by an urban forester and reviewed and approved by the City, are determined to be: Hazard trees may include:

1. Damaged or diseased trees;

2. Trees that pose a safety hazard due to potential root, trunk or primary limb failure; or

3. exposure of mMature trees that which have grown in a closed, forested situation dense stand of trees and recently become exposed to windthrow due to nearby development activity.

D. The urban forester shall use the most recent guidelines established by the International Society of Arboriculture in its guide to the professional evaluation of landscape trees, shrubs and evergreens to make the determination that a tree is either damaged, diseased and/or a safety hazard.DE. At the discretion of the City, damaged or standing dead trees may be retained and counted toward the tree requirement, if demonstrated that such trees will provide important wildlife habitat and are not classified as hazard trees.

E. A tree removal permit is required when the development activity will result in the removal of more than five trees. Up to 5 trees may be removed in development situations before calculating the number of trees that shall be retained as set forth in UPMC 19.65.270(B).

19.65.275 Tree retention – No Associated Development.

A. The purpose of this section is to manage and conserve the urban forest when development activity is neither proposed nor occurring.

B. Trees listed in UPMC 19.65.270(C) shall be retained.

C. A maximum of five trees not listed in UPMC 19.65.270(C) may be removed within a 36-month period without a tree removal permit. In addition, trees determined to be hazard trees as provided in UPMC 19.65.270(D), invasive trees as provided in UPMC 19.65.330, and nuisance trees as provided in UPMC 19.65.340 may be removed and will not count toward the five-tree limit.

D. Removal of additional trees beyond those provided for in subsection B may only be authorized through issuance of a tree removal permit in accordance with the tree retention standards set forth in UPMC 19.65.270 and this chapter.

19.65.280 Tree retention plans.

On timbered property greater in size than one-half acre or commercial property with more than 15 trees, or other sites the City deems it necessary because of special circumstances or complexity, the City shall review the site and be involvedThe City shall participate in the following three phases of tree retention described below. The City may retain an urban forester consulting arborist to work on the City's behalf. The urban forester consulting arborist shall be paid by the City and the applicant shall reimburse the City for all urban forester consulting arborist costs. Urban forester Consulting arborist expenses shall be reimbursed prior to the issuance of any building permits or final approval, whichever is first required following the work done by the urban forester consulting arborist.

A. Survey and Evaluation Planning Phase.

1. Individual tree survey. The applicant shall provide a survey of the location of all trees and place them on the site plan. ~~If there is an overwhelming number of trees, the City may do a preliminary site evaluation to delineate where the better trees are located based on species, condition, size, soils, and exposure.~~ 2. All trees located near existing and proposed future buildings, roads, common open space areas, and ~~high to moderately used areas~~ other activity areas shall be evaluated. The tree identification number, species, size, condition, vigor, structure, risk of failure, and maintenance recommendations shall be documented in the plan.

2. Statistical sampling. For large stands of trees proposed to be retained in their entirety or largely in their entirety, statistical sampling may be used to estimate the total tree DBH and total number of trees present. Sampling must be carried out by an SAF Certified Forester based on standard methodologies. Statistical sampling may be used in these stands in lieu of individual tree survey.

3. Tree canopy. When calculating the amount of regulated tree canopy on a site, the total canopy area must be based on the most recent aerial photograph available. The aerial photograph must be no more than five years old. Other data such as LiDAR may be used to help in calculating tree canopy as appropriate. Regulated tree canopy excludes invasive trees, nuisance trees, hazard trees and trees within critical areas or their buffers.

~~3. once the survey and evaluation is completed, the applicant can begin to plan the project to avoid the more favorable trees and vegetation. The applicant shall work with the City to help determine which trees can be preserved based on location, grade changes, and proposed uses and improvements.~~

B. Planning and Design Phase.

1. Detailed planning and design should not proceed until the survey and evaluation phase is completed so that the project design may achieve the most beneficial tree retention plan from the standpoint of maximizing ecological and aesthetic benefit to the community. The applicant shall work with the City to determine which trees can be preserved based on location, grade changes, and proposed uses and improvements.

21. The critical root zone (CRZ) of all trees to be retained near clearing, grading, or other disturbances shall be shown on all site plan construction documents. Any grading, construction, or utility installation within the CRZ shall be called out on the plan. Required work in these areas shall be under the direction or instruction of the City.

32. The locations of ~~the~~ tree protection barriers shall be shown on the clearing and grading plans. ~~The tree~~ protection barriers shall be shown along the edge of the CRZ or adjusted under the direction of the City.

C. Construction Phase.

1. A preconstruction meeting is required before any clearing takes place. The City shall point out retained trees to the general contractor, review tree preservation guidelines, and answer questions regarding tree protection.
2. The City shall inspect and approve the tree protection barrier prior to any work on the site, make adjustments where necessary, and discuss techniques to work within CRZs as needed.
3. The City shall establish a schedule to periodically monitor the tree retention plan based on the number of trees and difficulty of protecting trees during construction.
4. When clearing and grading activities are completed, the applicant shall request an inspection. The City may require tree maintenance and remedial action to improve tree health and vigor. If any unauthorized trees are removed, the City shall take action in accordance with UPMC [19.65.040](#).

19.65.290 Tree protection.

A. To provide the best protection for remaining trees:

1. No tree removal that requires a permit shall be allowed on a site until approval of the tree removal permit.
2. An area free of disturbance, generally corresponding to the CRZ of each tree, shall be identified on the site plan. During construction a temporary five-foot-high chain link or plastic net fence shall be installed around the trees or group of trees to be retained.
3. No impervious surfaces, fill, excavation, or storage of construction materials shall be permitted within the area enclosed by such fencing.
4. A rock wall shall be constructed if the grade level around a tree is to be raised by more than one foot. The inside diameter of the wall shall be equal to the diameter of the drip line of the tree.
5. The grade level shall not be lowered within the larger of the two areas defined as follows:
 - a. The drip line of the tree(s); or
 - b. An area around the tree equal to one-foot diameter or each inch of tree trunk diameter measured four feet above the ground.

B. The City may approve use of tree protection techniques, other than those listed above, if the trees will be protected to an equal or greater degree than by the techniques listed above. Alternative techniques shall be those recommended by an urban forester.

C. No impervious surface or fill shall be placed within the drip line of the tree unless the City determines that the long-term health of the tree will not be significantly harmed.

19.65.300 Tree removal in subdivisions.

When subdividing property by preliminary plat, trees and groundcover shall not be removed prior to preliminary plat approval. When subdividing property by either short or preliminary plat, no clearing of trees or groundcover may take place until a tree preservation plan and site development permit have been approved by the City. Road locations must be staked prior to clearing. Prior to issuance of a building permit, a title notification shall be recorded that states:

Trees which are required to remain on this lot pursuant to the city's tree preservation regulations (Chapter [19.65](#) UPMC) shall not be removed for a period of three years from the date of original purchase by individual lot owners except as provided for in UPMC [19.65.270](#)(~~CD~~) and only then following consent by the city. Regulated trees removed subsequent to this three year period shall be replaced in accordance with UPMC 19.65.190 and UPMC 19.65.310.

19.65.310 Tree replacement.

A. When the required number of trees cannot be retained as determined at the sole discretion of the City, trees that are removed shall be replaced with new trees of the same species ~~in accordance with UPMC [19.65.220](#)~~, at a replacement rate of three trees for every tree removed. The City may authorize an alternative species or cultivar if it would be a more suitable and beneficial selection for a specific location given unique site characteristics.

B. When the required number of trees cannot be physically retained or replaced on site, the applicant has the option of:

1. Planting the required number of replacement trees at locations approved by the City prior to the time of occupancy of the building or final approval of the subdivision at the same rate as the replacement rate required for on-site replacement of trees; or
2. Payment in lieu of replacement may be made to the City tree account for planting of trees in priority off-site locations various areas of within the City. These are public street rights-of-way, public parks, and other public open spaces. The payment is an equivalent amount to the estimated cost of buying and planting the trees that would otherwise have been required to be planted on site, as determined by the City's tree replacement cost schedule. The payment in lieu of planting trees on site shall be made prior to the issuance of any building permit or final subdivision approval.

19.65.320 Tree Maintenance and Pruning

Trees which are required to be maintained and replacement trees shall be pruned and trimmed as necessary to maintain a healthy growing condition or to prevent primary limb failure. Tree pruning shall be accomplished in accordance with the latest edition of the United States Department of Agriculture's Publication NA-FR-01-95 *How to Prune Trees* available on-the web, except that tree pruning for utilities shall be conducted in accordance with the latest edition of

the International Society of Arboriculture’s Best Management Practices – Utility Pruning of Trees.

19.65.3320 Common area management plans.

In those cases where a ~~subdivision or planned~~ residential development has common areas ~~that,~~ ~~which~~ are managed by a homeowner’s association, a common area management plan may be developed in lieu of obtaining consecutive tree removal permits. A common area management plan shall be developed by a certified or registered arborist and submitted to the City for review and approval.

19.65.3340 Invasive tree species list.

Tree species known to be invasive in the Pacific Northwest are listed below. The City may determine that additional tree species should be classified as invasive if the species clearly exhibits the detrimental characteristics of invasive species.

<u>Common Name</u>	<u>Species Name</u>
<u>Norway maple</u>	<u><i>Acer platanoides</i></u>
<u>Sycamore maple</u>	<u><i>Acer pseudoplatanus</i></u>
<u>Horse chestnut</u>	<u><i>Aesculus hippocastanum</i></u>
<u>Tree-of-heaven</u>	<u><i>Ailanthus altissima</i></u>
<u>European white birch</u>	<u><i>Betula pendula</i></u>
<u>English/European hawthorn</u>	<u><i>Crataegus monoqyna</i></u>
<u>English holly</u>	<u><i>Ilex aquifolium</i></u>
<u>Princess tree</u>	<u><i>Paulownia tomentosa</i></u>
<u>White poplar</u>	<u><i>Populus alba</i></u>
<u>Sweet cherry</u>	<u><i>Prunus avium</i></u>
<u>Cherry laurel</u>	<u><i>Prunus laurocerasus</i></u>
<u>Portugal</u>	<u><i>Prunus lusitanica</i></u>
<u>Black locust</u>	<u><i>Robinia pseudoacacia</i></u>
<u>European mountain ash</u>	<u><i>Sorbus aucuparia</i></u>
<u>Siberian elm</u>	<u><i>Ulmus pumila</i></u>

19.65.3450 Nuisance tree species list.

Tree species categorized as nuisance trees in University Place are listed below. The City may determine that additional tree species should be classified as nuisance trees if the species clearly exhibits the detrimental characteristics of nuisance species.

<u>Common Name</u>	<u>Species Name</u>
<u>Red alder</u>	<u>Alnus rubra</u>
<u>Black cottonwood</u>	<u>Populus trichocarpa</u>

Tree Preservation Code – Proposed Council Amendments to the 7-5-2016 Draft
Council suggestions from 3 prior Study Sessions were previously incorporated in the 7-5-2016 Draft

I. Motions to be Made at Council Consideration

A. Joint Motions:

1. By Council Members Grassi and McCluskey: **I move to reject planning commission's recommendation in 19.65.060 to increase the size of trees to be protected from 6" to 9" for deciduous and 12" for evergreens.**

2. By Council Members McCluskey and Worthington: **I move to amend 19.65.200 (2) to change "the first growing season" to "the initial three growing seasons."**

B. By Council Member Grassi:

1. **I move to reject the proposed amendment to 19.65.060 "Limited Tree Removal."**

2. **I move to amend 19.65.090 (7) to remove the word "no" and require street frontage landscaping for all single family or duplex dwellings.**

C. By Council Member McCluskey:

1. **I move to reject the proposed amendment to 19.65.040 C which would change "shall" to "may."**

2. **I move to amend 19.65.060, the definition of "tree" to: "A woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground."**

3. **I move to amend 19.65.060, the definition of "tree" to state: "A woody plant having one erect perennial stem (trunk) at least three inches in diameter at a point 4 ½ feet above the ground, a definitely formed crown of foliage, and a mature height of at least 13 feet."**

4. **I move to amend 19.65.270(D) to remove the word "hazard" and replace it with "risk" trees as defined in ANSI A300 Best Management Practices Tree Risk Assessment.**

5. **I move to amend 19.65.170(A)(4) to add the phrase "of equivalent width" following "hedge."**

6. **I move to amend 19.65.200(3) to add "Any plantings removed should be replaced with plantings of like kind."**

7. I move to amend 19.65.240 to reject the proposed language saying “to the extent possible.”

8. I move to amend 19.65.270(B)(5) to decrease from two acres to one acre.

9. I move to amend 19.65.270(A) to strike “larger” and replace with “more desirable.”

D. By Council Member Nye:

1. I move to repeal the entire tree preservation code.

E. By Council Member Worthington:

1. I move to amend 19.65.230 (B) to change the 18-month landscape bond requirement to 3 years with the option to extend, if deemed necessary by the Director.

F. By Mayor Figueroa:

1. I move to add a new recital “M” in 19.65.010 stating that the intent of this ordinance is to comply with the eligibility requirements of Tree City USA.

2. I move to amend 19.65.090(7), to state “There shall be no landscaping requirements for single family residences.”

II. Items for Future Study

A. By Council Members McCluskey and Nye: **Adopt a new code provision regarding educating the public about the value of trees.**

B. By Council Member McCluskey: **Adopt a new code provision which incentivizes the planting of trees.**

C. By Council Member Worthington: **Adopt a new code provision which prioritizes significant trees for preservation by species, rather than simply size.**

Tree Preservation Code – Proposed Council Amendments to the July 5, 2016 Draft

Council suggestions from three prior Study Sessions were previously incorporated into the July 5, 2016 Draft

I. MOTIONS TO BE MADE AT COUNCIL CONSIDERATION

A. Joint Motions:

1. *By Council Members Grassi and McCluskey: I move to reject Planning Commission’s recommendation in 19.65.060 to increase the size of trees to be protected from 6” to 9” for deciduous and 12” for evergreens.*

Staff response: This would maintain the current threshold for regulated trees.

2. *By Council Members McCluskey and Worthington: I move to amend 19.65.200 D (2) to change “the first growing season” to “the initial three growing seasons.”*

Staff response: Three growing seasons is a generally accepted timeframe to ensure establishment of plants -- from the perspective of this region’s landscape industry. Once an irrigation system has been installed, the incremental increase in cost to a property/business owner of continuing the irrigation for an additional two seasons is generally limited to the cost of the additional water – a relatively minimal expense. Staff concurs with this amendment. Proposed text changes are shown on page 5 in response to Council Member Worthington’s comments on the same issue.

B. By Council Member Grassi:

1. *I move to reject the proposed amendment to 19.65.060 “Limited Tree Removal.”*

Staff response: The text proposed to be removed (or retained per Council Member Grassi) and the text in **19.65.270 C (1)** (tree retention in development situations) are redundant. The provision, as written, mixes the definition of “limited tree removal” in the first sentence with a development standard in the second sentence. Typically, standards are placed in separate sections rather than being combined with a definition. Staff recommends removing the second sentence, per the Commission recommendation, for these reasons. The standard in question will still be in force in 19.65.270 C (1).

2. *I move to amend 19.65.090 (7) to remove the word “no” and require street frontage landscaping for all single family or duplex dwellings.*

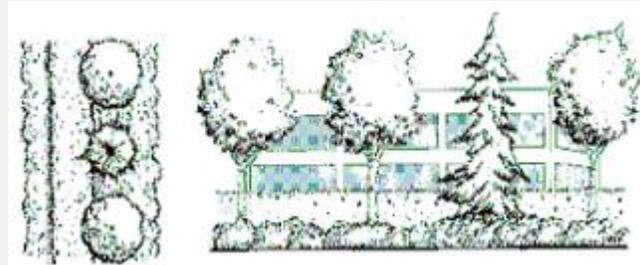
Staff response: This amendment would require Level 3 landscaping to be installed in the privately-owned and maintained front yard of each new SFD and duplex. Level III landscaping is described in **19.65.140** (part, below):

C. Level III: Ornamental Effects Landscaping. Level III landscaping is intended to provide a visual separation of uses from streets; and visual separation of compatible uses so as to soften the appearance of the development from public streets and soften the appearance of parking areas, buildings, and other improvements. Level III landscaping shall consist of:

1. Canopy-type deciduous trees or spreading evergreen trees planted in clumps or strips with a mix of living evergreen and deciduous groundcovers and low shrubs. Up to 100 percent of the trees may be deciduous. Trees shall be spaced at intervals no greater than 30 feet on center.

2. The width of a Level III landscape buffer shall be no less than five feet. The area which is not planted with trees shall be planted with shrubs and living groundcover chosen and planted to attain a coverage of 90 percent within three years of planting. Shrubs shall be planted at a density of five shrubs per 100 square feet of that portion of the landscape area which is not planted in lawn. Lawn may be used for up to 75 percent of the required groundcover.

Figure 3. Landscaping Level III, Ornamental Effects



Staff supports the idea of well-landscaped front yards for SFDs and duplexes abutting public streets. However, installation of Level III landscaping would be a departure from historic practice where owners of these properties may select the extent to which they landscape their front yards. Staff-level review of landscape plans for each new SFD and duplex and follow-up inspections would significantly impact work load. Also, applying Level III screening requirements could result in unintended visual consequences from placing landscaping screens between homes and the street. Staff recommends retaining the exception for SFDs and duplexes.

C. By Council Member McCluskey:

1. *I move to reject the proposed amendment to 19.65.040 C, which would change “shall” to “may.”*

Staff response: This enforcement provision is a holdover from when the state Department of Natural Resources (DNR) turned over Forest Practices Act responsibilities to the City and

required its inclusion in the city code. Prior to the time of this transfer, DNR applied this provision to timber harvesting activities on larger parcels. Sometime after the transfer to University Place was complete, the state changed course and no longer required this provision to be included in local ordinances. However, this provision has remained in the code. It may be considered draconian in terms of its effect and therefore has not been applied. Staff recommends retaining the proposed change from “shall” to “may” in order to have the discretion to apply, or decline to apply, this provision.

2. I move to amend 19.65.060, the definition of “tree” to: “A woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground.”

Staff response: The purpose of this definition is to define the threshold for a “regulated tree”. This suggested definition could be used to describe a tree but is not sufficiently quantifiable to be used in a regulatory manner. The use of “considerable” or “some distance” would be problematic in that it is not based on a numerical standard. Staff does not support this proposed change.

3. I move to amend 19.65.060, the definition of “tree” to state: “A woody plant having one erect perennial stem (trunk) at least three inches in diameter at a point 4 ½ feet above the ground, a definitely formed crown of foliage, and a mature height of at least 13 feet.”

Staff response: As noted above, the purpose of this definition is to define the threshold for a “regulated tree”. This revised definition *would* rely on measurements (diameter, distance and height) – which makes it useable for regulating tree retention. However, the ramification would be that most trees in the city with a 3” DBH or greater would be subject to tree retention requirements. For comparison sake, the city typically requires a minimum 2” caliper for new street trees and in a very short time these trees will achieve a 3” DBH. Reducing the regulated tree threshold from 6” DBH to 3” DBH would represent a significant departure from past practice and would significantly reduce development potential in the city from what is allowed under current planning and zoning. Staff does not support this proposed change.

4. I move to amend 19.65.270(D) to remove the word “hazard” and replace it with “risk” trees as defined in ANSI A300 Best Management Practices Tree Risk Assessment.

Staff response: Staff concurs with recommendation. A number of locations in the code will need to be revised to reflect this change, including the following definitions in 19.65.060 plus text in the sections listed following the definitions, below:

19.65.060 Definitions.

“At risk tree” is any tree with a structural defect and/or disease which makes it subject to a high probability of failure and with a proximity to persons or property that makes it an imminent threat.

“Tree” means a living woody plant characterized by one or more main stems or trunks and many branches, with the trunk or at least one main stem having a diameter of at least twelve inches DBH for evergreen trees and at least nine inches DBH for deciduous trees. Invasive, nuisance or at risk trees, of any size, as determined by the City, are not considered trees for the purposes of this chapter.

Section 19.65.070.A, C and D

Section 19.65.270.B, C and D

Section 19.65.275.C

Section 19.65.280.A

5. *I move to amend 19.65.170(A)(4) to add the phrase “of equivalent width” following “hedge.”*

Staff response: A Level I landscape screen is required to be at least 20 feet wide. Depending on the type of plant used to form a hedge, the hedge might only need to be 5’ +/- wide to achieve an equivalent screen to two rows of staggered evergreen trees. Rarely does a hedge approach 20 feet in width. Staff recommends inserting the following language that will require screening equivalency:

4. When Level I visual screening is required, an applicant may request to use plantings that can be expected to form a healthy sight-obscuring evergreen hedge within three years in lieu of two rows of trees. In reviewing such a request for modification, the Director shall consider the applicant’s request in light of the intent of Level I landscaping and the nature of the use or development which is being screened. The hedge shall achieve an equivalent level of screening that achieves the intent described in UPMC 19.65.140.A

Note: The intent described in 19.65.140.A reads as follows:

A. Level I: Visual Screen. Level I landscaping is intended to provide a very dense sight barrier to significantly separate uses and zoning districts. It shall generally consist of a mix of predominantly evergreen plantings including living trees, shrubs and groundcovers. *The choice and spacing of plantings shall be such that they will form a dense hedge sufficient to obscure sight through the screen within three years after planting.*

6. I move to amend 19.65.200(3) to add “Any plantings removed should be replaced with plantings of like kind.”

Staff response: The intent of the proposed language suggests that it relates to *maintenance* (see 19.65.210) more so than *landscape plans* (see 19.65.200). Staff recommends the following language be inserted in 19.65.210. *Italicized* text would add some flexibility so that in cases where the originally approved plants did not thrive or achieve the desired effect, there would be latitude to accommodate substitutions.

19.65.210 Maintenance.

A. The following standards shall be followed for all required landscaping:

1. The property owner shall maintain all landscaping for the life of the land use. Any plantings removed should be replaced with plantings of like kind *or ones that achieve the original objectives of the approved landscape plan.*

7. I move to amend 19.65.240 to reject the proposed language saying “to the extent possible.”

Staff response: Staff has no concerns with the proposal, which would restore the current code language.

8. I move to amend 19.65.270(B)(5) to decrease from two acres to one acre.

Staff response: Staff has no concerns with the proposal.

9. I move to amend 19.65.270(A) to strike “larger” and replace with “more desirable.”

Staff response: Staff has no concerns with the proposal.

D. By Council Member Nye:

1. I move to repeal the entire tree preservation code.

Staff response: Under the State Growth Management Act, cities of UP’s size inherit forest practices management from the State, and are required to adopt codes regulating the cutting of trees that are at least as restrictive as State law.

E. By Council Member Worthington:

- 1. I move to amend 19.65.230 (B) to change the 18-month landscape bond requirement to 3 years with the option to extend, if deemed necessary by the Director.**

Staff response: Staff supports this amendment as it would ensure code consistency with the suggested amendment to 19.65.200 D (2), as follows:

B. For all projects which require landscaping except short plats, a 36-month landscaping maintenance guaranty equal to 125% of the cost of the landscaping (materials and installation) less the irrigation system shall be required prior to final project approval or release of the landscape performance bond. At the end of the 36-month period, the applicant shall request that the City inspect the landscaping to ensure all planted material is alive and healthy. Any plant material needing replacement shall be replaced in accordance with UPMC [19.65.220](#) and inspected prior to the release of the maintenance guaranty. After the maintenance bond is released, landscaping shall be maintained in accordance with UPMC [19.65.210](#). The director may extend the maintenance guarantee beyond the initial 36-month term if **necessary to ensure establishment of any plants replaced during the initial term. In recognition that landscape maintenance bonds may not always be readily obtainable, options for guarantees could be provided, as shown in a new subsection C. below.**

C. The landscape maintenance guarantee may take the form of: (1) a maintenance bond in a form deemed acceptable to the city; (2) an assignment of funds in an amount equal to the bonded amount (125% of the cost of landscaping less the irrigation system); or (3) a three-year contractual agreement between the owner/developer and a licensed landscape architect, Washington certified nurseryman, or Washington certified landscape contractor, along with a rider or endorsement specifically identifying the city as a party to the agreement for purposes of enforcement.

F. By Mayor Figueroa:

- 1. I move to add a new recital “M” in 19.65.010 stating that the intent of this ordinance is to comply with the eligibility requirements of Tree City USA.**

Staff response: Staff supports this amendment.

2. *I move to amend 19.65.090(7), to state “There shall be no landscaping requirements for single family residences.”*

Staff response: This amendment would result in there being a new requirement for Level III landscaping to be installed for new duplexes. Some of the same staff concerns as noted for Councilmember Grassi’s amendment would apply in terms of this change creating additional workload and possibly some unintended consequences in terms of the actual landscape improvements. However, the city approves very few duplexes compared with SFDs each year, so the workload impact would be less significant.

II. ITEMS FOR FUTURE STUDY

A. By Council Members McCluskey and Nye: **Adopt a new code provision regarding educating the public about the value of trees.**

B. By Council Member McCluskey: **Adopt a new code provision which incentivizes the planting of trees.**

C. By Council Member Worthington: **Adopt a new code provision which prioritizes significant trees for preservation by species, rather than simply size.**