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## Chapter 16.60 TREE, SOIL AND NATIVE VEGETATION PROTECTION AND REPLACEMENT

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(Ord. 7027 §8, 2016).

#### **16.60.010 Purpose**

Whereas growth, the spread of development, and increasing demands upon natural resources have the effect of encroaching upon, impacting or eliminating many of the intact native soils and vegetation, trees and natural resources and processes associated therewith which, if preserved and maintained in an undisturbed and natural condition, provide important physical, aesthetic, recreation and economic assets to existing and future residents of the city; and whereas the city council finds (1) that trees, healthy soils, and native vegetation protect public health through the capturing and filtering of stormwater runoff, absorption of air pollutants and contamination, through the reduction of excessive noise and mental and physical damage related to noise pollution, through their cooling effect in the summer months and insulating effects in winter, through their positive impact on global climate change; (2) that trees, healthy soils, and native vegetation provide for public safety through the prevention of soil erosion, siltation and flooding; (3) that trees, healthy soils, and native vegetation are essential to the general welfare of the city by maintaining the natural beauty and the irreplaceable heritage for existing and future city residents; and (4) that Olympia can promote urban forestry and land management practices which will preserve or enhance trees, healthy soils, and native vegetation on public and private lands as they transition from natural areas into an urban environment. Therefore, the purposes of this chapter are:

- A. To provide for the protection, preservation, replacement, proper maintenance and use of trees, soils, and native vegetation located in this city in order to preserve and enhance the city's physical and aesthetic character by preventing untimely and indiscriminate removal or destruction of trees, healthy soils, and native vegetation;
- B. To protect trees, healthy soils, and native vegetation in the city for their economic support of local property values and to preserve and enhance this region's natural beauty;

- C. To minimize the adverse impacts of land disturbing activities on stormwater infiltration, soil erosion, air quality, sedimentation and pollution of natural waterways, in order to minimize the public and private costs for stormwater control and treatment, utility maintenance and removal of pollution from our natural waterways;
- D. To promote site planning, construction practices and horticultural practices that are consistent with the reasonable use of property;
- E. To provide for the paramount public concern for these natural resources in the interest of a healthier and safer place in which to live and to promote the general welfare of the residents of this city;
- F. To implement the goals and objectives of the Washington State Environmental Policy Act; and
- G. To implement the goals and objectives of the City's Comprehensive Plan.

(Ord. 7027 §8, 2016; Ord. 5545 §1, 1995; Ord. 5248 §11(part), 1991).

#### **16.60.020 Definitions**

All words in this chapter shall have their customary dictionary definition except as specifically defined herein.

- A. "Agriculture" is the use of land for the primary purpose of deriving income from growing plants or trees on land including, but not limited to, land used principally for fruit or timber production, but not including land used principally for another use and only incidentally for growing trees or plants for income.
- B. "Buildable area" is that portion of a parcel of land wherein a building, parking and other improvements may be located and where construction activity may take place. Buildable areas shall not include streams, flood hazard areas, geologically hazard areas or wetlands as defined in Chapter [18.32](#) Critical Areas. For the purpose of calculating required minimum tree density, existing and newly dedicated city rights-of-way shall not be included.
- C. "Caliper" is the American Association of Nurseryman standard for trunk measurement of nursery stock. Caliper of the trunk shall be the trunk diameter measured 6" above the ground for up to and including 4" caliper size and 12" above the ground for larger sizes.
- D. "City" is the city of Olympia, Washington.
- E. "Clearing" is the destruction or removal of vegetation from a site by physical, mechanical, chemical or other means. This does not mean landscape maintenance or pruning consistent with accepted horticultural practices which does not impair the health or survival of the trees.
- F. "Commercial nursery or tree farm" is a licensed plant or tree nursery or farm in relation to those trees planted and growing on the premises of the licensee, which are planted and grown for sale through retail or wholesale channels in the ordinary course of the licensee's business.
- G. "Conversion Option Harvest" is a timber harvest as established in this chapter and the Washington State Department of Natural Resources Forest Practices Regulations, whereby a property owner is allowed to harvest a limited amount of timber from their property within the City of Olympia, while still maintaining their rights to convert their property to a use inconsistent with growing timber.
- H. "Critical root zone" is the 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 for every inch of tree at DBH (Diameter at breast height).
- I. "Crown" is the area of a tree containing leaf or needle-bearing branches.
- J. "Development" is the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, clearing or land disturbance; and any use or extension of the use of the land.
- K. "Diameter at Breast Height (DBH)" is a tree's diameter in inches at 4-1/2' feet above the ground. On multi-stemmed or trunked trees, the diameter shall be the diameter equivalent to the sum of trunk areas measured at 4-1/2' above the ground.

- L. "Grading" is any excavation, filling of earth materials or any combination thereof.
- M. "Hazard tree" is any tree with a combination of structural defect and/or disease which makes it subject to a high probability of failure, and is within close enough proximity to where persons or property could be harmed or damaged if the tree were to fail.
- N. "Healthy soil" is soil that is of good quality with the capacity to sustain plant, animal, and human life by providing nutrients, air and water space to infiltrate, pollutant absorption and filtering, and habitat.
- O. "Invasive species" are non-native organisms that are capable of spreading so quickly they can cause economic or environmental harm.
- P. "Landmark tree" is a tree or group of trees designated as such by the City because of its exceptional value to the residents of the city (see Chapter [16.56](#) Landmark Tree Protection).
- Q. "Limits of construction line" is a line separating the buildable areas from the protected areas.
- R. "Mitigation" is the act of restoring, creating, enhancing, or preserving a naturally occurring ecosystem to generate an increase in environmental functions to compensate for losses due to development or willful or negligent destruction of that ecosystem.
- S. "Native vegetation" is vegetation comprised of plant species, other than noxious weeds, that are indigenous to the coastal region of the Pacific Northwest and which reasonably could have been expected to naturally occur on the site.
- T. "Person" is any individual, organization, society, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, governmental agency, public or private utility, cooperative, interstate body or other legal entity.
- U. "Protected area" is all land where no construction activity, tree removal, vegetation removal, or soil compaction is allowed and includes the critical root zone of those trees to be preserved.
- V. "Qualified professional forester" is a professional with academic and field experience that makes them an expert in urban forestry. This may include arborists certified by the International Society of Arboriculture (ISA), foresters with a degree in forestry from the Society of American Foresters (SAF) accredited forestry school, or urban foresters with a degree in urban forestry. A qualified professional forester must possess the ability to evaluate the health and hazard potential of existing trees in an urban environment, and the ability to prescribe appropriate measures necessary for the preservation of trees during land development and management of those trees thereafter.
- W. "Remove or removal" is the act of removing a tree by digging up, cutting down or any act which causes a tree to die, significantly impacts its natural growing condition and/or results in diminished environmental benefits or a hazard tree; including but not limited to, damage inflicted on the root system by machinery, storage of materials or soil compaction; changing the ground level in the area of the tree's root system; damage inflicted on the tree permitting infections or infestation; excessive pruning; paving with concrete, asphalt or other impervious material within the critical root zone, or any other action which is deemed harmful to the tree.
- X. "Significant (upland) Wildlife Habitat" is an area designated as such in the Olympia Comprehensive Plan, or designated as state priority habitat, and which is utilized by state priority or local priority animal species with unusual frequency, density or diversity for critical ecological processes such as breeding, nesting, nursery, feeding, and resting.
- Y. "Soil and Vegetation Plan" is a plan that contains specific information pertaining to the protection of healthy soil, and the preservation and planting of trees and native vegetation pursuant to OMC [16.60](#) and the City of Olympia's Urban Forestry Manual.
- Z. "Soil and Vegetation Protection Area (SVPA)" is a separate tract of land, which may or may not be deeded as such, specifically set aside for the preservation of healthy soil and the preservation or planting of existing and/or native vegetation, including trees. Stormwater retention/detention facilities, critical area buffers and other common areas may be considered SVPA's if they currently or are improved to an extent

where they can support healthy soils and the growth of native vegetation. The purpose of these areas for preserving healthy soils and preserving and/or planting native vegetation is stated on the face of the plat when applicable.

AA. "Specimen tree" is a tree that has been given greater than standard tree density value through the evaluation process delineated in the Urban Forestry Manual.

BB. "Street trees" is trees located within the street rights-of-way, adjacent to public or private streets, including undeveloped areas.

CC. "Transplant" is the relocation of a tree from one place to another on the same property.

DD. "Tree" is any self-supporting perennial woody plant that matures at a height greater than 6'.

EE. "Tree unit" is a unit of measurement based upon the size of the tree as set forth in the Urban Forestry Manual.

FF. "Undeveloped" is a parcel of land on which no buildings or other facilities are located.

GG. "Understory" is the shrubs and plants growing beneath the main canopy of a forest, stand of trees, or individual tree; including low-growing vegetation that covers the ground.

HH. "Urban forestry" is the professional practice of planning, managing and protecting natural and planted vegetation in developing urban areas.

II. "Urban Forester" is the City of Olympia's Urban Forester or the Urban Forester's designee.

JJ. "Well-Adapted Drought-Tolerant Vegetation" is vegetation that is well adapted to current and anticipated environmental conditions in this region, and is not invasive or noxious.

KK. "Windfirm" is a tree which is capable of withstanding strong winds, in particular when associated with inclement weather events.

LL. "Worksite" is any contiguous area owned and operated as one development unit upon which earth disturbing activities are planned or underway.

(Ord. 7027 §8, 2016; Ord. 5545 §1, 1995; Ord. 5248 §11(part), 1991).

#### **16.60.030 Applicability**

A. No person or representative, directly or indirectly, shall remove, or destroy any tree, within the city, without first obtaining a tree removal permit as provided in this chapter, unless the activity is exempted in Section [16.60.040](#).

B. Unless otherwise exempted, any site to be developed, within the City of Olympia, shall be required to develop a Soil and Vegetation Plan (SVP) and shall be required to meet the minimum tree density herein created.

(Ord. 7027 §8, 2016; Ord. 5545 §1, 1995; Ord. 5248 §11(part), 1991).

#### **16.60.040 Exemptions**

The following activities are exempt from the Soil and Vegetation Plan and tree removal permit requirements. In all cases the minimum tree density herein established shall be maintained. In no case shall any landmark tree be removed without first obtaining a tree removal permit pursuant to Chapter [16.56](#).

A. Commercial Nurseries or Christmas Tree Farms. Removal of trees which are being grown to be sold as Christmas or landscape trees.

B. Emergencies. Removal of trees necessary to protect public safety or private or public property from imminent danger as determined by the Urban Forester or in response to emergencies declared by the city, county, state or federal governments.

C. Harvesting with a Forest Practices Permit. Removal of trees as allowed with a forest practices permit issued by the Washington State Department of Natural Resources.

D. Hazard Trees. Removal of hazard trees as defined by this chapter.

E. Developed Single-Family (under two acres). Removal of trees and other vegetation from developed single-family and multifamily (up to four units), less than two acres so long as the minimum required tree density is maintained.

F. Developed Single-Family (two acres or more). On developed single-family and multifamily (up to 4 units), 2 or more acres, removal of trees and other vegetation within 125' of the residence or other buildings, unless required to be installed and properly maintained specifically to facilitate stormwater infiltration or dispersion. (That portion of the property further than 125' from the residence or other buildings shall be treated as undeveloped property for the purpose of this chapter).

G. Subdivisions. Individual lots within a subdivision are exempt from meeting tree density requirements when the entire subdivision has complied with the tree density and soil and vegetation protection requirements of this chapter.

H. Undeveloped property. Removal of up to 6 trees per acre, up to a total of 6 trees from an undeveloped parcel within any 12 consecutive month period.

I. Street trees. Removal of street trees, when performed by or on behalf of the city, with approval of the Urban Forester.

(Ord. 7027 §8, 2016; Ord. 5799 §41, 1998; Ord. 5545 §1, 1995; Ord. 5248 §11(part), 1991).

#### **16.60.045 City tree account**

A. There is created a city tree account into which all penalties and revenues received under Chapters [16.56](#), [16.60](#) and the tree protection element of Chapter [16.48](#) of this title shall be placed. In addition, the following sources of funds may be placed in the city tree account:

1. Sale of trees or wood from city property where the proceeds from such sale have not been dedicated to another purpose;
2. Donations and grants for purposes of the fund;
3. Sale of seedlings by the city;
4. Civil penalties imposed under Section [16.60.130](#) or settlements in lieu of penalties. At the discretion of the city manager, costs incurred by the city to enforce Chapters [16.48](#), [16.56](#) or [16.60](#) may be deducted from the civil penalties;
5. Other monies allocated by the city council.

B. The city shall use the city tree account for the following purposes:

1. Acquiring, maintaining, and preserving areas of healthy soil and native vegetation within the city;
2. Planting and maintaining trees within the city;
3. Identification and maintenance of landmark trees;
4. Propagation of seedling trees;
5. Urban forestry education;
6. Other purposes relating to trees as determined by the city council.

(Ord. 7027 §8, 2016; Ord. 5545 §1, 1995; Ord. 5382 §4, 1993).

#### **16.60.050 Soil and Vegetation Plan required**

A. Requirement Established. A soil and vegetation plan is required to obtain a tree removal permit and is also required for any land development on property having a tree density below the minimum required and/or when Street Trees are to be installed.

B. Soil and Vegetation Plan Requirements. Specific Soil and Vegetation Plan requirements are delineated in the Urban Forestry Manual. The scale of the project and the size and quantity of trees proposed for removal, preservation, and planting will determine which level of Soil and Vegetation Plan is required. Table A lists activities or projects and the level of Soil and Vegetation Plan typically required.

**TABLE A**  
**PROJECTS OR ACTIVITIES FOR WHICH SOIL AND VEGETATION PLANS ARE REQUIRED**

<b>ACTIVITY or PROJECT</b>	<b>LEVEL (see manual)</b>
Residential subdivisions (1-4 units)	I
Residential subdivisions (more than 4 units)	IV, V
Commercial/Industrial/Multifamily (over 4 units)	IV, V
Developed Commercial/Industrial/Multifamily (over 4 units), proposing a building addition or other site disturbance	II
Multifamily (1-4 units)	I
Planned Residential Development	IV, V
Mobile Home Park	IV, V
Nuisance Tree removal permit	III
Conversion Option Harvest Permit	VI
Residential 1-4 unit, building permit	I

C. Conditions. The Urban Forester shall attach conditions on the project as necessary to ensure the long-term health and survival of trees and understory vegetation to be retained and planted, pursuant to protection, planting, and maintenance standards established in the Urban Forestry Manual.

D. Application and Fee. The application for a tree removal permit and/or Soil and Vegetation Plan review shall be made on a form provided by the City, and shall be submitted at the same time as the Soil and Vegetation plan. The applicant shall pay a non-refundable permit fee to the Department of Community Planning and Development. The plan review and tree removal permit fee is set forth in Chapter 4.36.010 Building Code Review and Permit Fees.

E. Submittal of a Soil and Vegetation Plan. The application for Soil and Vegetation Plan review and/or a tree removal permit shall be submitted with associated development applications as applicable.

(Ord. 7027 §8, 2016; Ord 5577 §8, 1995; Ord. 5545 §1, 1995; Ord. 5248 §11(part), 1991).

**16.60.060 Tree removal permit review procedure**

A. The Urban Forester shall review the tree removal request to determine completeness, and take one of the following actions:

1. Approve the tree removal, with or without conditions, and issue a tree removal permit;
2. Deny the permit, indicating the deficiencies to the applicant;
3. Notify the applicant of complete/incomplete application with a timeline for issuance of a permit;
4. Notify the applicant that the permit will be issued concurrently with other development permits, when applicable.

B. Permit Duration. A permit issued under this chapter shall be valid for 180 days or the duration of the associated development permit or approval. The Urban Forester may authorize one 180-day extension.

C. Permit Amendments. The permittee may request a minor amendment to an approved permit. In addition, the Urban Forester may require minor project changes to protect drainageways, environmentally sensitive areas, and adjoining property and structures from damage or to alleviate hazardous conditions.

D. Display of Permits. Permits issued in association with this chapter shall be posted on the worksite prior to work beginning and shall remain until the Urban Forester accepts the work as complete.

E. Integrated Applications and Decisions. When a tree removal permit is submitted in combination with another application for approval of an associated project or development, the urban forester shall notify the applicant that the permit will be issued concurrently with other project permits and shall designate and authorize such official or body to issue a decision regarding such removal permit as necessary to ensure an integrated decision. Any recommendation of the urban forester regarding such decision shall be given substantial weight by designee.

(Ord. 7027 §8, 2016; Ord. 5570 §12, 1995; Ord. 5545 §1, 1995; Ord. 5248 §11(part), 1991).

#### **16.60.070 Soil and vegetation plan review standards**

A. Issuance of a permit under this chapter does not exempt the permittee from procuring and complying with other required permits or approvals. Whenever this chapter conflicts with other laws, ordinances or rules, the more restrictive shall apply.

B. Critical Areas. The approval authority shall restrict activities and/or impose conditions as warranted, to protect critical areas and their associated buffers, water quality, property or public safety.

C. Alternative Compliance. All tree removal permit activities regulated by this chapter shall be performed in compliance with the applicable standards contained in this chapter, unless the applicant demonstrates that alternate measures or procedures will be equal or superior to the provisions of this chapter in accomplishing the purposes of this chapter.

D. For all development projects, the following standards and provisions shall apply.

1. Timing of tree removal. Tree removal proposals will be reviewed and a decision issued concurrently with other development permits, as applicable.

2. When determining where to establish a required Soil and Vegetation Protection Area or retain trees when a Soil and Vegetation Protection Area is not required, locations with healthy soils, native understory vegetation, and mature trees in good condition shall have priority over development when there are feasible and prudent location alternatives on site for proposed building structures or other site improvements. This may require site redesign including, but not limited to: redesign of streets, sidewalks, stormwater facilities, utilities; changing the shape and size of the parking lot; reducing or limiting proposed site grading; and changing the locations of buildings or building lots.

3. If existing trees and vegetation meet the requirements for the required landscaping, they shall have priority over and may substitute for the required landscaping pursuant to the guidelines established in Chapter [18.36](#) Landscaping and Screening.

4. For residential subdivisions of five (5) units or more, at least 75 percent of the required minimum tree density shall be located within separate deeded Soil and Vegetation Protection Area(s) held in common ownership by the homeowner's association, or comparable entity.

5. For multi-family developments of five (5) units or more a minimum of 50% of the required minimum tree density shall be met in Soil and Vegetation Protection Area(s). Soil and Vegetation Protection Areas may also meet requirements for stormwater management, landscape buffering and screening when planting requirements and plant selection are appropriate for the site conditions and are demonstrated to be able to achieve the intended purpose of the applicable requirements.

6. Soil and Vegetation preservation priority. In designing a development project and in meeting the required minimum tree density, the applicant shall preserve Soil and Vegetation Protection Areas that include the following in order of priority. In all situations, trees to be preserved must be healthy, windfirm, and appropriate to the site at their mature size, as identified by a qualified professional forester.

- a. Landmark Trees.
- b. Specimen Trees.
- c. Critical Areas and Buffers. Trees located within critical areas, critical area buffers or adjacent to buffers. Those trees within critical area buffers may account for up to 50 percent of the required tree density; except within the Green Cove Basin those trees within critical areas and critical area buffers may account for up to 100 percent of the required tree density.
- d. Significant Wildlife Habitat. Trees located within or buffering Significant Wildlife Habitat.
- e. Healthy Soils and Native Vegetation. Native vegetation with associated healthy soils and understory.
- f. Other individual trees or groves of trees.

7. On sites where there are currently inadequate numbers of existing trees, where the trees are inappropriate for preservation, the soils are poor (unsuitable, disturbed, compacted etc.), or there are significant invasive species, as determined by the Urban Forester, then replacement tree planting, soil amendment, and understory mitigation shall be required. In designing a development project and in meeting the required minimum tree density, the following areas shall undergo mitigation in the following order of priority:

- a. Critical Area Buffers, Significant Wildlife Habitat. Within or adjacent to Critical Areas and Significant Wildlife habitat areas.
- b. Soil and Vegetation Protection Areas. Within designated Soil and Vegetation Protection Areas; may also include stormwater facility areas and areas of required landscaping.
- c. Stormwater retention/detention ponds. Adjacent to stormwater retention/detention ponds.
- d. Landscaping. For residential subdivisions this may include entrance landscaping, traffic islands, separate deeded tree tracts, and other common areas.
- e. Individual residential building lots.

E. Mitigation. Within Soil and Vegetation Protection Areas where there are poor soils (unsuitable, disturbed, compacted, etc.), no native species, no understory vegetation, and invasive species, as determined by the Urban Forester, mitigation shall be required. Mitigation shall include the following activities:

- a. Remediation of compacted soils. Applicable only to areas without existing native soils, ground cover vegetation, or trees and their associated critical root zones.
- b. Removal of invasive species.
- c. Understory vegetation. Planting of native understory vegetation, or well-adapted drought-tolerant vegetation, appropriate to site conditions.
- d. Restoration of existing trees through removal and replacement or restorative pruning. Including removal of hazard trees.
- e. Planting of trees. At least 60% of the resulting SVPA tree distribution shall be evergreen trees.

F. Mitigation Plan. When conditions warrant it, or as determined by the Urban Forester, a mitigation plan shall be submitted and approved as an element of the Soil and Vegetation Plan pursuant to standards in the Urban Forestry Manual.



G. For residential subdivisions, trees may be removed from individual building lots concurrent with the clearing of the proposed right-of-ways, and other frontage improvements, with the following provisions:

1. The Urban Forester has determined that the existing trees, on the proposed individual lots, are inappropriate for retention due to tree condition, soils, topographic constraints, proposed small lot size, and/or the size of the trees at maturity.
2. Clearing operations shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time. To control erosion, shrubs, ground cover and stumps shall be maintained on the individual lots, where feasible. Where infeasible appropriate erosion control practices shall be implemented pursuant to the Drainage Design and Erosion Control Manual for Olympia.

H. Developed commercial, industrial, multifamily (more than four units) properties, nuisance tree removal. Proposals to remove a tree or trees on these properties shall comply with the following standards.

1. The tree must meet the following criteria:
  - a. Tree is causing obvious, physical damage to private or public property, including but not limited to: sidewalk, curb, road, parking lot, building foundation, roof, stormwater infiltration or treatment system; or
  - b. Tree has been damaged by past maintenance practices, that cannot be corrected with proper arboricultural practices;
2. The problems associated with the tree must be such that they cannot be corrected by any other reasonable practice. Including but not limited to the following:
  - a. Pruning of the crown or roots of the tree and/or, structural changes to a building, parking lot, sidewalk or other site modifications to alleviate the problem.
  - b. Pruning, bracing, cabling, to reconstruct a healthy crown.

I. Undeveloped Properties, Conversion Option Harvest. For properties proposing a conversion option harvest, the following standards shall apply:

1. Trees to remain should be dominant or co-dominant in the stand, healthy, and windfirm.
2. Trees to remain should be located on the site in areas that would most likely facilitate their preservation through the build-out of the site.
3. Up to 30% of the number or volume of trees, by species, can be removed every 10 years.
4. No removal of trees from critical areas or buffers.
5. No removal of Landmark trees.
6. No removal of trees that would cause trees on adjacent properties to become hazardous.
7. Logging operations shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time. To control erosion, shrubs, ground cover and stumps shall be retained where feasible. Where infeasible appropriate erosion control practices shall be implemented pursuant to the Drainage Design and Erosion Control Manual for Olympia.
8. Slash Abatement practices shall be implemented pursuant to Olympia Fire Department Standards.

J. Street trees. Street trees shall be included in the soil and vegetation protection plan. It should be drawn to scale on the site plan and should include the following information:

1. Location, size, and species of trees to be planted;
2. Description and detail showing site preparation, installation and maintenance measures;
3. Timeline for site preparation, installation and maintenance of street trees;

4. Cost estimate for the purchase, installation and maintenance for a minimum of three years of street trees;
5. The description and location of any underground or overhead utilities within the rights-of-way or near proposed street trees;
6. Additional information. The City's Urban Forester may require any additional information deemed necessary to ensure compliance with the provisions of this chapter;
7. Information waiver. The City's Urban Forester may waive the requirements for a scaled drawing and other submission data if they find that the information presented is sufficient to determine the project's compliance with the provisions of this Chapter;
8. Design guidelines: See OMC Chapters [18.100](#) through [18.180](#) in general and section [18.170.010](#) in particular.

(Ord. 7027 §8, 2016; Ord. 6967 §8, 2015; Ord. 5545 §1, 1995; Ord. 5248 §11(part), 1991).

#### **16.60.080 Tree density requirement**

A. Minimum Tree Density Requirement Established. A minimum tree density of 30 tree units per acre is required on the buildable area of each site, except within the Green Cove Basin (see OMC [16.60.080\(5\)](#)) and in critical areas, see OMC [18.32](#). The tree density may consist of existing trees, replacement trees or a combination of existing and replacement trees, pursuant to the priority established in Section [16.60.070](#). For the purpose of calculating required minimum tree density, critical areas, critical area buffers, city rights-of-way and areas to be dedicated as city rights-of-way shall be excluded from the buildable area of the site.

B. Tree Density Calculation. Specific Tree Density calculations and replacement tree standards are delineated in the City of Olympia's Urban Forestry Manual. Table 16.60.080 A shows the required minimum tree density and replacement tree requirements for various activities.

1. Developing properties are required to meet a minimum tree density of 30 tree units per acre.
2. Developed Commercial/Industrial/Multifamily (5 units or more) properties, proposing an addition or other site disturbance are required to replace a minimum tree density of one tree unit for every 500 sq. ft. of site area to be disturbed and 3 tree units for every one tree unit proposed for removal, up to the minimum tree density of 30 tree units per acre for the entire site. For the purpose of determining required replacement trees, site area disturbed shall include: installation or expansion of a building or other structure; drilling; and site alterations such as those due to land surface mining, dredging, grading, construction of earthen berms, paving, improvements for use as parking or storage, excavation or clearing.
3. Developed Commercial/Industrial/Multifamily (5 units or more) properties, proposing tree removal are required to replace 3 tree units for every one tree unit proposed for removal, up to the minimum tree density of 30 tree units per acre for the site.
4. Undeveloped property proposing a conversion option harvest are required to meet a minimum tree density of 200 tree units per acre.
5. Green Cove Basin. Within the Green Cove Basin and all Residential Low Impact (RLI) zoning districts of the City a minimum tree density of 220 tree units per acre shall be provided.

C. Replacement Tree Location. The applicant's proposed location of transplanted or replacement trees shall be subject to city approval as part of the Soil and Vegetation Plan. Replacement trees should be planted according to the following priority:

1. On-Site.
2. Off-site. When room is unavailable for planting the required trees on-site, then they may be planted at another approved location in the city.

3. City Tree Account. When on-site and off-site locations are unavailable, then the applicant shall pay an amount of money approximating the current market value of the replacement trees into the City's Tree Account.

D. Replacement Tree Standards. Replacement trees shall meet the quality and size, and be planted pursuant to standards delineated in the Urban Forestry Manual.

E. Replacement Tree Selection and Distribution. Replacement trees shall be native species or well-adapted drought-tolerant vegetation, and at least 60% evergreen trees, unless determined by the Urban Forester as not appropriate for site conditions.

(Ord. 7027 §8, 2016; Ord. 6775 §1, 2011; Ord. 5545 §1, 1995; Ord. 5382 §3, 1993; Ord. 5248 §11(part), 1991).

**16.60.080A TABLE: Required minimum tree density and replacement tree requirements per activity**

**TABLE 16.60.080A**

<b>Proposed Activity</b>	<b>Tree Replacement Requirements</b>	<b>Required Minimum Tree Density for the Parcel</b>
New Development	30 tree units per acre	30 tree units per acre
Developing Single-family (multifamily up to 4 units)	30 tree units per acre	30 tree units per acre
Developed Properties	30 tree units per acre	30 tree units per acre
Developed Commercial/ Industrial/Multifamily (more than 4 units) proposing an addition or other site disturbance	1 tree unit for every 500 sq. ft. disturbed and 3 tree units for every one tree unit proposed for removal	30 tree units per acre
Developed Commercial/ Industrial/Multifamily (more than 4 units) proposing tree removal	3 tree unit for every 1 tree unit proposed for removal	30 tree units per acre
Conversion Option Harvest	Site must remain at a minimum tree density of 200 tree units per acre.	200 tree units per acre
New Developments in Green Cove Basin or RLI land use zone, or both	220 tree units per acre	220 tree units per acre

**16.60.090 Tree protection during construction**

Prior to initiating tree removal on the site, soils, vegetated areas and individual trees to be preserved shall be protected from potentially damaging activities pursuant to standards in the Urban Forestry Manual.

(Ord. 7027 §8, 2016; Ord. 5545 §1, 1995; Ord. 5248 §11(part), 1991).

**16.60.100 Maintenance requirements**

The following maintenance requirements shall apply in perpetuity to all Soil and Vegetation Protection Areas, required landscaping, individually retained trees, and street trees.

A. Maintenance Requirement. Understory vegetation shall be maintained in a vigorous and healthy condition, free from diseases, pests and invasive plant species. Trees are to be maintained in a vigorous and healthy condition, free from diseases, pests and in accordance with the standards delineated in the Urban Forestry Manual. Trees and understory vegetation which become diseased, severely damaged or which die

shall be removed by the owner as soon as possible but no later than 60 days after notification by the city. All trees and understory vegetation removed under this section shall be replaced with healthy vegetation of the same size species, and planting standards as required by the approved Soil and Vegetation Protection plan for the property.

B. For Soil and Vegetation Protection Areas, required landscaping, and street trees, the maintenance requirement of this section shall be in effect from the date the final plat is approved or Certification of Occupancy issued.

The maintenance requirement shall be a condition of approval and identified on the face of the plat when applicable. The applicant shall also execute a covenant in a form agreeable to the city which shall require the applicant and successors to comply with the maintenance requirement of this section. The covenant shall obligate both the property owner and a homeowner's association, if applicable. The covenant shall be recorded with the county auditor. The recording fee shall be paid by the applicant.

C. Multifamily Residential, Commercial, Industrial Developments. The applicant shall execute a covenant in a form agreeable to the city which shall require that the applicant and successors comply with the maintenance requirement imposed by this section. The covenant shall be binding on successor property owners and owners' associations. The covenant shall be recorded with the county auditor. The recording fee shall be paid by the applicant.

D. Specimen Trees. Each development to which the maintenance requirement for this chapter applies and that contain a specimen tree(s) shall include provisions in the maintenance requirement to ensure the survival and proper care of any specimen trees identified in the Soil and Vegetation Plan.

E. Surety. For residential developments containing five units or more, commercial and industrial projects, the applicant will be required to post a surety. The surety shall be in the form approved by the city attorney. The surety document shall have a face amount equal to 125 percent of the estimated amount necessary to guarantee the maintenance and replacement of soils, understory vegetation, and trees in conformance with the maintenance requirement and Soil and Vegetation Plan for a period of three years from the date the certificate of occupancy is issued by the city or from the date of final plat approval.

F. Failure to maintain. Failure to regularly maintain the Soil and Vegetation Protection Areas, required landscaping, individually retained trees, and street trees as required in this section shall constitute a violation of this chapter and, if applicable, the plat covenant.

(Ord. 7027 §8, 2016; Ord. 5545 §1, 1995; Ord. 5248 §11(part), 1991).

#### **16.60.110 Variance for hardship**

The administrative process for variances shall be governed by Chapter [18.66](#) Variances and Unusual Uses.

(Ord. 7027 §8, 2016; Ord. 5545 §1, 1995; Ord. 5248 §11(part), 1991).

#### **16.60.120 Appeal**

Appeals of administrative decisions shall be governed by Chapter [18.72](#) Administration.

(Ord. 7027 §8, 2016; Ord. 5545 §1, 1995; Ord. 5248 §11(part), 1991).

#### **16.60.130 Enforcement –Penalties**

A. Authority. It shall be the duty of the Urban Forester to administer the provisions of this chapter. The Urban Forester shall have authority to issue permits, impose conditions, enforce the provisions and requirements of this chapter and permits issued thereunder, and establish administrative procedures and guidelines, conduct inspections, and prepare the forms necessary to carry out the purposes of this chapter.

B. Authorized Actions. In addition to other remedies, the city may bring injunctive, declaratory or other actions to enforce this chapter.

C. Stop Work Orders/Permit Revocation.

1. The Urban Forester shall suspend work or revoke a permit, as appropriate, if the Urban Forester finds that:

- a. The work is not authorized by a valid permit;
- b. Inaccurate information was used to obtain the permit;
- c. The permittee is not complying with the terms of the permit or approved plans;
- d. The work is, in the Urban Forester's judgment, a hazard to property or public safety, is adversely affecting or about to adversely affect adjacent property or rights-of-way, a drainageway, watercourse, environmentally sensitive area, stormwater facility, or Soil and Vegetation Protection Area, or is otherwise adversely affecting the public health, safety, or welfare;
- e. Adverse weather is causing significant problems on or off site; or
- f. The required project surety has been expended to the point that it no longer provides assurance of the completion of the project in compliance with the terms of the permit.

2. The Urban Forester shall issue the permittee/violator a written notice specifying the nature of the violation or problem which must be remedied prior to resuming other work on the project. If the permittee does not comply with the order within the time specified, the Urban Forester, as an alternative to other remedies, may enter the project site and perform the required work. All costs incurred by the city in performing such work shall be drawn against the surety posted by the permittee to ensure the enforcement of the provisions of the tree plan or the tree removal permit. In the absence of sufficient surety, the city may place a lien against the property in the amount of the funds expended to perform the required work.

D. Restoration. Violators of this chapter or of a permit issued thereunder shall be responsible for restoring unlawfully damaged areas in conformance with a plan, approved by the Urban Forester, which provides for repair of any environmental and property damage, and restoration of the site; and which results in a site condition that, to the greatest extent practical, equals the site condition that would have existed in the absence of the violation(s).

E. Prohibition of Further Approvals. The city shall not accept, process, or approve any application for a subdivision or any other development permit or approval, or issue a certificate of occupancy for property on which a violation of this chapter has occurred until the violation is cured by restoration, a plan for mitigating the violation has been agreed upon, or other means accepted by the Urban Forester and by payment of any penalty imposed for the violation.

F. Criminal and Civil Penalty.

1. Any person, firm, or corporation who knowingly violates or fails to comply with any term or provision of this chapter shall be deemed to have committed a misdemeanor, and if found guilty, shall be subject to a fine not to exceed One Thousand Dollars (\$1,000), and/or to imprisonment not to exceed ninety (90) days or to both such fine and imprisonment. Each day shall be a separate offense. In the event of a continuing violation or failure to comply, the second and subsequent days shall constitute a gross misdemeanor punishable by a fine not to exceed Five Thousand Dollars (\$5,000) and/or imprisonment not to exceed three hundred and sixty-five (365) days or both such time and imprisonment. Continuing violation shall mean the same type of violation which is committed within a year of the initial violation.

2. As an additional concurrent penalty, it shall be a civil infraction for a person, firm, or corporation to violate or fail to comply with any term or provision of this chapter. Each day shall be a separate infraction. A person, firm, or corporation found to have committed a civil infraction shall be assessed a monetary penalty as follows:

3. Class 1 (\$250), not including statutory assessments.

G. Public Nuisance. Any violation of the provisions of this chapter or a violation of a permit issued hereunder is declared to be a public nuisance and may be abated through proceeding for injunctive or similar relief in

Superior Court or other court of competent jurisdiction.

(Ord. 7027 §8, 2016; Ord. 6081 §62, 2001; Ord. 5545 §1, 1995; Ord. 5248 §11(part), 1991).

#### **16.60.140 Liability on the city**

Nothing in this chapter shall be deemed to impose any liability upon the city or upon any of its officers or employees, or to relieve the owner or occupant of any private property from the duty to keep in safe and healthy condition the trees upon their property or upon a public rights-of-way over their property.

(Ord. 7027 §8, 2016; Ord. 5545 §1, 1995; Ord. 5248 §11(part), 1991).

#### **16.60.160 Authority**

##### **A. Authority of the Urban Forester.**

1. The Urban Forester shall manage the City's Urban Forestry Program, which includes, but is not limited to the administration of the Tree, Soil, and Native Vegetation Protection and Replacement ordinance and the provisions of the Urban Forestry Manual.
2. The Urban Forester shall develop and periodically review and revise as necessary The Urban Forestry Manual.

(Ord. 7027 §8, 2016; Ord. 5545 §2, 1995).

#### **16.60.170 Specimen tree evaluation - For public trees**

A. Specimen tree evaluation shall use a standardized and professionally accepted method. Standards for the specimen tree evaluation are delineated in the Urban Forestry Manual or by request from the Urban Forester.

(Ord. 7027 §8, 2016; Ord. 5827 §2, 1998)

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#### **The Olympia Municipal Code is current through Ordinance 7107, passed November 28, 2017.**

Disclaimer: The City Clerk's Office has the official version of the Olympia Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

Olympia's Codification Process (<http://olympiawa.gov/city-government/codes-plans-and-standards/municipal-code.aspx>)

#### **Municipal Code contact information:**

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(<http://olympiawa.gov>)  
Code Publishing Company  
(<http://www.codepublishing.com/>)