PLANNING ADVISORY BOARD
AGENDA
OCTOBER 9, 2013 – 3:00-5pm
LANGLEY CITY HALL - 112 2nd Street, Langley WA

1) Call to Order and Roll Call

2) Approval of the Minutes – September 4, 2013

3) Code Amendments
   a) Landscaping and Tree Standards
   b) Land Use Table

4) Ethics Commission

5) Adjourn

Next Regular Meeting: November 6, 2013
The meeting was called to order at 3:01PM

Attendance:
Members present: Roger Gage, Aaron Simpson, Dominique Emerson
Members absent: Sue Walsh, Gail Fleming
Staff present: Jeff Arango, Cheryl Knighton

Approval of Minutes: Motion by Dominique to approve with changes of misspellings, and correction in quote by Sue, not Dominique. Second by Roger. Approved.

Code Amendments

SEPA Procedures
Jeff explained why the amendments need to be changed according the state laws. Mostly clarification in the wording of the current LMC - Environmental Policy chapter 16.04.

Landscaping Section
Jeff explained there are many elements to this section. He feels the requirements for landscaping are scatter throughout the LMC and should be consolidated into a revised landscaping section in Title 18: Zoning.

A list of several areas was discussed in detail to address a wider range of issues. The list consisted of: Beautification of downtown, Requirements for professional landscaping, Site Plan Review for Multi-Family and Commercial Projects, Preserve Significant and Heritage Trees, Best Practices for view Preservation and Tree Management, Screen and softening of Parking areas, Food Production as in Edible gardens, Small Scale Agriculture, and Solar Access.

Dominique thought that adding Water Retention could also be added to the list. Also something about invasive plants. Thomas thought to include ROW areas and public access areas.
Some discussion on maintenance issues, how could the city control the maintenance of dying plants. Tree protection standard what to include what not? Possibly incentives for planting landscaping edibles.

Site Plan Review Procedures
After the PAB meeting on August 7, 2013, the board reviewed a proposal to establish a site plan review process. Jeff went over the proposal he put together. Two issues were discussed whereas there would be a Type I (minor) and a Type II (major) site plan applications. What is the definition of “major” verses “minor”. Aaron asked if Jeff could put together some examples from past projects that would fall in to these thresholds and bring them to the next meeting. He provided an example from Bainbridge Island.
Also he supplied the board with an example of a diagram that Bainbridge Island uses showing the different processes for a Major Site Plan and a Minor Site Plan.

**Land Use Development Standards Table**
Jeff will put together a table for land use and development standards. The current list is not very user friendly. He will draft a standard table and bring it to the next meeting.

Island County Commissioners approved the 2016 County Population Projection.

Some discussion on the tree ordinance.

Meeting adjourned 4:15PM

Meeting adjourned – 5:10pm
Staff Report

To: Planning Advisory Board  
From: Jeff Arango, AICP – Director of Community Planning  
Date: October 4, 2013

Landscaping and Tree Standards

Attached is a first draft landscaping section to replace the existing standard in Section 18.22.020. The intent of the section is to provide greater clarity regarding the issues that should be addressed for site and landscape design without being so specific in the requirements that it might stifle creativity in the design process. Landscaping standards shouldn’t be just a formula regarding the number and types of plantings, but rather provide guidance on the essential elements of the plan. The current draft addresses the following issues:

1. Purpose and Intent
2. Plan Submittal Requirements
3. Standards for Parking Lots
4. Standards for Street Trees
5. Site Design Techniques
6. Planting Standards
7. Tree Retention
8. Modifications

Also included in the packet is the draft tree ordinance developed in 2010 by a citizen committee. The PAB should review and discuss the elements that should be advanced forward from within the committee’s draft proposal. One decision point is to determine whether the tree retention standards apply to properties with single-family homes (often exempt from these types of standards in other communities).

Land Use Table

A draft of a new land use table is attached that includes a matrix of all the allowed land uses in each zoning district. Currently the permitted land uses are located within the language for each zoning district, which is not very user friendly and doesn’t allow people to easily determine which uses are allowed in which zones. The process of putting the table together was illuminating in that there are discrepancies between the types of land uses allowed in each zone as well as duplication of the same or very similar land uses. The PAB should consider whether these land uses should be simplified at this time or whether we should wait until after the comprehensive plan update is complete. Staff plans to add another section of the table that will identify the basic development standards by zone such as setbacks, building height and lot coverage.

Ethics Commission

The Ethics Commission is wrapping up their work in establishing a code of ethics for the city along with A Guide to Ethical Conduct that explains the code and how it is implemented in a more concise and user friendly format. The ethical code of conduct, once adopted by the city council, will apply to PAB members and therefore the board should be familiar with the requirements. Staff will provide a brief overview at the meeting on Wednesday.
Amendments to Title 18: Landscaping and Tree Retention Standards

Existing: 18.22.020 Landscaping.

All lots shall be generously landscaped, and consistent with the natural environment of Langley and appropriate to the planned use. Retention of natural landscaping is encouraged. (Ord. 527, 1989)

NEW – 18.22.020 Landscape Design and Tree Retention

1. Purpose. The City of Langley’s identity is defined by its beautiful natural setting and human scaled downtown characterized by extensive landscaped gardens both on private properties and within the public realm of streets, parks and open spaces. Langley is surrounded by mature coniferous forest that delineates the urban city from the rural county while strengthening the city’s sense of place within the surrounding landscape. The preservation and enhancement of these features are important to the future of the city to achieve environmental, social and economic sustainability. Other objectives are to:

   a. Retain existing vegetation, tree stands and significant trees by incorporating them into the site design.
   b. Incorporate native vegetation and drought resistant plant material into new landscape developments as appropriate.
   c. Provide vegetated screening between different land uses and intensities
   d. Minimize the visual and physical impact of parking areas with vegetative screening and shade
   e. Provide vegetated screening between residential and nonresidential areas.
   f. Beautify the commercial districts with extensive gardens and landscape installations
   g. Create pedestrian oriented spaces in the downtown with a blend of hardscape and landscape features

2. Applicability. The standards herein apply to any multi-family development of three, plats or more units and all non-residential development and streets and plats including binding site plans and planned unit developments. Single and two-family lots are exempt from the requirements of this section unless they contain significant trees or vegetation required to be preserved as part of a plat approval.

3. Professional Designer. All landscape plans shall be prepared by a registered landscape architect or landscape designer qualified to provide landscape design services as exhibited by experience with past projects, education or a combination thereof.

4. Submittal Requirements. All landscape plans shall include the following:
a. A detailed site plan of all existing and proposed natural and landscaping improvements at a minimum scale of 1"=30’ identifying all existing and proposed landscaping
b. A detailed plant and tree list showing the type of species and size at installation and whether the plants are native of non-native. Non-native species may be allowed with evidence of their suitability for the proposed application.
c. A narrative identifying the overall design concept for the proposed landscaping plan and demonstrating compliance with the requirements of this section.

5. Standards for Parking Lots and Walkways
a. A minimum of one tree for every eight parking spaces is required along the interior of parking lots and one space for every four spaces along the exterior of parking lots and along the right-of-way.
b. A minimum of 10’ between the edge of the right-of-way and the parking lot shall include extensive landscaping to soften the visual impact of the parking lot consisting of trees, shrubs and plants. The vegetation shall not create an opaque vegetative screen.
c. All trees shall be a minimum 2” caliper when planted.
d. Dedicated walkways through parking areas shall include a minimum of 5’ of landscaping along both sides of the walkway.
e. Walkways along building frontages shall have a minimum 10’ of landscaped area between the walkway and the building.

6. Street Trees
a. A street tree shall be planted for every 40’ of frontage along the street and shall be located either within the right-of-way or along the frontage of the property within 10’ of the right-of-way.
b. The street tree species must be demonstrated to be appropriate for the given location and that it will not damage infrastructure in the area (sidewalks, roadway, utility lines, etc.)

7. Site Design Techniques. Sites shall be designed to include, but not limited to, the following features:

   a. Landscape open areas created by building modulation.
   b. Retain natural vegetation and undisturbed open space.
   c. Use plants that require low amounts of water, including native drought-resistant species.
   d. Locate trees on storefront street frontages at appropriate spacing so that at maturity building signage and entrance are clearly visible from the street and sidewalk.
   e. Plant a mix of evergreen and deciduous plants to maintain year-round color and interest.
f. Incorporate on-site natural objects such as rocks, boulders and tree stumps into landscape design where possible.

g. Shrubs, grasses and other nontree vegetation shall be included in the plan as appropriate to the site on a case-by-case basis.

h. Consider incorporating seating areas and public art into the landscape design

i. Consider planters, hanging baskets, window boxes or other landscape features along the street for sites that do not have landscape areas on-site

8. Planting Requirements

a. Intent. The intent of this section is to encourage the use of native species and recommend planting conditions adaptive to Whidbey Island

b. Requirements. Landscape designs shall conform to the following provisions:

i. Areas not devoted to landscape required by this chapter, parking, structures and other site improvements are encouraged to be planted or remain in existing vegetation.

ii. New plant materials shall include native species or nonnative species that have adapted to the climatic conditions of the coastal region of the Puget Sound Region.

iii. New plant materials shall consist of drought resistant species, except where site conditions within the required landscape areas assure adequate moisture for growth.

iv. New tree plantings shall be a minimum of two inches in caliper if deciduous or six feet in height if evergreen. Soil planting types and depth shall be sufficient for tree planting.

v. Existing vegetation may be used to augment new plantings to meet the standards of this chapter.

9. Tree Retention.

a. A plan of all existing significant trees shall be provided with applications for development subject to these standards.

b. Projects shall be designed to avoid the removal of significant trees where feasible without diminishing allowed uses, densities and intensities or the function of the proposed development. Safety, Solar access for active and passive solar design, local food production will also be considered as part of review of the tree retention plan.

c. Projects may be required to preserve significant trees with a native growth protection area when the tree preservation is determined to be commensurate with the projects impact or voluntarily by the applicant.

10. Modifications. The planning official may approve modifications to the standards contained in this section to achieve the overall purpose and intent of this section.
Street Trees

XX.010

Finding and Purpose

A. The City Council finds that the protection and proper maintenance of street trees serves to protect the public’s health, safety, and welfare; and that street trees constitute a vital environmental, historic, visual and economic resource for the benefit of the city’s residents and visitors.

B. The purposes of this chapter are to:

1. Regulate appropriate street tree species selection, where street trees must be planted, and how street trees must be maintained and protected; and

2. Establish the authority of the City’s Director of Public Works to implement this chapter’s provisions, and allow the Director to delegate certain responsibilities to the City Forester; and

3. Establish competency requirements for the major pruning of street trees, by requiring major street tree pruning to be done or supervised by a person who has obtained a street tree worker license; and

4. Establish permit requirements for work on street trees; and

5. Establish a special revenue account to be known as the Urban Forestry account.
XX.020
Definitions

“Alleyway” means xx

“Arboriculture” refers to that part of horticulture which deals with the study and care of trees and other woody plants.

“City” means the incorporated City of Langley, Island County, Washington.

“City Forester” means the person designated by the city’s Director of Public Works to perform the duties required to implement and administer the provisions of this chapter.

“Director” means the city’s Director of Public Works, or designee.

“Drip line” means that area on the ground below a tree bounded by the edge of the tree’s branches.

“Emergency” means an imminent threat to people or property.

“Hazard tree” means any street tree, or part thereof, that the City Forester determines is subject to a high probability of failure, due to structural defect or disease, and which poses a potential threat to people or property in the event of failure. The determination of “hazard” does not require the judgment that a tree is in danger of imminent failure.

“Imminent”, as applied to a threat from a hazard tree means that a street tree, or part thereof, could fail at any moment.
“Improper pruning” means maintenance practices that do not follow national arborist organization standards and which may result in preventing a street tree from achieving its mature size or full environmental function. Improper pruning includes, but is not limited to, the removal of more than twenty-five percent of the foliage of any street tree; “topping,” the cutting back of a street tree to buds, stubs or laterals not large enough to assume the role of leader; and “lion tailing,” the pruning practice in which the limbs of a street tree are thinned from the inside of the crown to a clump of terminal foliage.

“Knowingly” means that a person knows or acts when he or she is aware of a fact, circumstance or result which is described by this chapter as being a violation, whether or not the person is aware that the fact, circumstance or result is a violation of this chapter.

“Maintenance” or “Maintain” means to plant, prune, trim, water, feed, protect or undertake any other activity intended to help a street tree achieve its mature size and full environmental function.

“Major pruning” means the pruning or cutting out of branches three inches in diameter or greater; root pruning; or the cutting out of branches and limbs constituting greater than fifteen percent of the tree’s foliage bearing area while retaining the tree’s natural form.

“Minor pruning” means the pruning or cutting out of water sprouts, suckers, twigs, or branches less than three inches in diameter; or the cutting out of branches and limbs constituting less than fifteen percent of the tree’s foliage bearing area while retaining the tree’s natural form. Removal of dead wood, broken branches and stubs are also considered minor pruning.

“National arborist organization standards” means nationally recognized arborist association standards including those of the
International Society of Arboriculture, Tree Care Industry Association and the American National Standards Institute.

“Permit holder” means that person who is issued a street tree work permit under this chapter.

“Person” includes any individual, business, firm, association, corporation, agency, or organization of any kind.

“Planting” means those steps taken during the installation of trees and shrubs within the right-of-way necessary to ensure their survival.

“Planting strip” means that area between the back of a street curb to the front of a sidewalk or the area in a raised median, used for street trees, grass and approved landscaping plants.

“Private tree” means a tree in which the trunk wholly resides on a property owner’s parcel outside any right-of-way.

“Property owner” means a person, or agent thereof, who owns, leases or manages real property adjacent to or within a right-of-way.

“Removal” means either the act of entirely taking out, or of physically reducing a tree or shrub, so that it will not regain its mature size or function.

“Right-of-way” means property subject to public use for existing or future streets, curbs, planting strips, alleyways, utility corridors or sidewalks. This property may be subject to use as a right-of-way through an express, implied, or prescriptive easement granted to or controlled by the city or other public entity, or may be owned by the city or other public entity in fee simple or other freehold interest.
“Sidewalk” means a facility made of concrete or other approved material for walking adjacent to a street.

“Severely damaged” means a level of harm to a street tree, whether by people or nature, including, but not limited to, storms, disease or insect infestation, so that the street tree will not achieve its mature size or full environmental function.

“Street” means a right-of-way which is the public’s principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare, but not including alley.

“Street tree” means a tree in which the trunk is wholly or partially located within a right-of-way. A “street tree” may also be the portions of a private tree located within or above a right-of-way.

“Street Tree Manual” means a publication that contains the City Forester’s list of approved street tree species; standards of practice for the planting, pruning, removal and maintenance of street trees; and a program for developing and improving the street tree resources of the community.

“Topping” means cutting back a tree to buds, stubs or laterals not large enough to assume the role of leader.

“Tree” means any self-supporting perennial woody plant, generally single-stemmed, that matures at a height of at least twenty feet and is recognized by the city as a tree.

“Urban Forestry” means the cultivation and management of trees and related plants for their present and potential future contribution to the physical, social and economic well-being of cities and their residents.
“Utility” means any business, organization or entity that legally uses the public right-of-way to deliver water, sewer, electrical, gas, telephone, communication, or cable television services. “Utility” also means the actual commodity or service delivered or sold by the business, organization or entity.

“Utility corridor” xx

XX.030
Authority and duties of the City Forester

A. City Forester Designation -- The City Forester is that person designated by the Director who is responsible for the administration and enforcement of this chapter. No person may prevent, delay or interfere with the City Forester or any city employee in the administration or enforcement of this chapter.

B. Approved Tree Species -- The City Forester shall publish and regularly update a Street Tree Manual (“Manual”) that includes a list of approved street tree species. Any person who plants a non-approved street tree species in a right-of-way may be subject to enforcement action, as authorized in LMC xx.

C. Street Tree Manual -- The Manual shall also include educational information regarding tree selection among approved street tree species, planting, protection, pruning, removal and other maintenance standards that are in compliance with the requirements of this chapter and the best management practices adopted by national arborist organizations. The manual’s educational provisions are not subject to enforcement action, as authorized in LMC xx.
D. Planting Locations -- The City Forester may direct where on existing and new rights-of-way a street tree must be planted so that a street tree achieves its mature size or full environmental function. Any person who violates this subsection by planting a street tree in a location other than that designated by the City Forester may be subject to enforcement action, as authorized in LMC xx.

E. Criteria for Removal - Subject to the provisions of this Chapter, the City Forester shall be responsible for inspection, maintenance, removal and replacement of street trees, and may cause street trees to be removed by the City if they are deemed by the Director to be unhealthy, hazardous, undesirable, or causing excessive damage to existing public improvements or other street trees.

F. Removal of Private Trees Or Other Plants By City - If it is determined by the Director that unsafe trees or plant material exists on private property and that unsafe trees or plant material encroaches onto public area or right-of-way and public safety is at risk, the Director shall order the owner of such tree or plant to remove the unsafe trees or plant material at the owner’s expense. Removal(s) will be required within a time period set forth by the Director. If property owner fails to remove the unsafe material within the time period given, the Director will remove said material and all charges for removals, including administrative costs, will be charged to the owner. Owner may appeal these decisions of the Director within ten (10) days after notification. Appeals shall be directed to xx.

G. Permit and License Procedures -- The City Forester may also specify, consistent with the requirements of this chapter, the procedures for accepting and processing applications for street tree work permits and street tree worker licenses
A. Street Tree Work Permit Required -- No person may plant, perform major pruning upon, or remove any street tree, or disturb the area within the drip line of a street tree, or cause or authorize another person to do so, unless the person obtains a street tree work permit from the City Forester. Unless otherwise provided in this section, a separate permit is required for each work location. No permit is required for minor pruning of street trees.

1. Annual or individual permit for utilities -- Utilities shall apply for an annual permit to perform planting, major pruning or removal of street trees. The permit application must include an annual plan that identifies work that will be done during the year. The permit holder must file quarterly reports which will identify all work done on street trees. As an alternative to an annual permit, public agencies and utilities may choose to apply for individual work permits as needed.

2. Permit requirements for city departments -- Annual or individual street tree work permits for city activities will not be required. City departments shall obtain approval from the City Forester for any city project that requires planting, pruning or removal of street trees, or disturbance of the area within the drip line of a street tree.

B. Emergency Pruning and Removal -- No street tree work permit is required to prune or remove a street tree that is in imminent danger of failing. Any individual, acting under this subsection, must notify the City Forester of the emergency pruning or removal within one working day of the action.

C. Permit Application Data -- The applicant must provide the location, number and kind of trees to be planted, pruned, removed or potentially disturbed by work within their dripline; the kind of work to
be done; the reasons for the requested activity; and any other information required by the City Forester to ensure compliance with the provisions of this chapter.

D. Standards for Permit Issuance -- The City Forester shall issue a permit if, in the City Forester’s judgment, the proposed work and methods are consistent with the requirements of this chapter.

E. Time -- Any individual project work permit issued shall contain a date of expiration and the work must be completed within (90) ninety days of permit issuance.

F. Notice of Completion -- The permit holder shall notify the City Forester within five days upon completion of permitted work.

G. License Required for Major Pruning -- The city requires that major pruning be performed by a person who has a current city street tree worker license, pursuant to the requirements contained in LMC xx.

XX.050

City street tree worker license

A. License Required -- Any person who performs major pruning on street trees must obtain a street tree worker license from the City Forester, unless such person is properly supervised by the holder of a license. Proper supervision shall require the holder of the license to inspect any street tree subject to major pruning, prior to, during, and after major pruning. The requirement for a street tree worker license shall become effective on [xx month day, 20xx].

B. Inclusion of Businesses -- No business may engage in the major pruning of street trees unless a holder of a street tree worker
license completes or properly supervises the major pruning.

C. License Issuance -- A license to perform street tree work shall be issued to each person who satisfies the following requirements:

1. Certification -- Is a certified arborist through the International Society of Arboriculture; and

2. Previous violations -- Has not violated any requirement of this chapter within the six months prior to an individual’s application for a street tree worker license; and

3. Insurance -- Maintains liability insurance in the amount determined by the City’s Risk Manager; and

4. Business License -- Provides proof of a valid Langley business license, if the applicant for a street tree worker license seeks the license in the furtherance of a business enterprise.

D. License Expiration -- The street tree worker license expires one year from the date of issuance or on the day the holder of the licenses no longer has liability insurance, whichever day is sooner.

E. License Suspension -- The city may suspend the license when the licensee commits any of the following acts or omissions:

1. Violation -- Knowingly violates any of the provision of this chapter; or

2. Improper license use -- Knowingly conspires with another person by permitting one’s license to be used by such other person.

F. Suspension periods -- First and second violations may subject a licensee to a (30) thirty day license suspension. A third violation may subject a licensee to a (90) ninety day license suspension. Subsequent violations shall result in a (1) one year license suspension.
XX.060
Property owner responsibilities

Property owners shall have the following responsibilities regarding street trees within the property owner’s portion of right-of-way:

A. Dead and severely damaged street trees -- Dead or severely damaged street trees shall be removed and replaced with an approved street tree species.

B. Hazard trees -- Hazardous street trees shall be removed or reduced. In the event of removal, the street tree shall be replaced with an approved street tree species.

C. Right-of-way obstructions -- Street trees shall be maintained so that they do not obstruct the free use of the right of way, including, but not limited to, clearance for sight visibility, traffic signage and signals, as well as pedestrian and vehicular use of streets and sidewalks.

D. Protection of utilities, streets, and sidewalks -- Street trees must be planted and maintained so that they do not damage utilities, streets or sidewalks.

E. Improperly pruned street trees -- No person may engage in improper pruning of street trees. The City Forester may require a property owner to remove and replace improperly pruned street trees, if the City Forester determines that the improperly pruned street tree will not be able to achieve its mature size or full environmental function.

F. Right-of-way cleaning -- The right-of-way must be kept
reasonably clean from street tree debris, including, but not limited to, branches, leaves, flowers, and fruit.

G. Disease or insect infestations -- Street trees must be maintained free of disease or insect infestation. Street trees that are infected with disease or insects shall be replaced, if deemed necessary by the City Forester, with an approved street tree species.

XX.070

Utility Duty To Prevent Damage

It shall be the duty of any person owning or operating any utilities within any public street or right-of-way to maintain such utilities (including, but not limited to, water, sewer, electrical, gas, telephone, communication and cable television services) in a manner to prevent damage to street trees.

A. Utility Protection of Trees -- During the construction, repair, alteration, removal or relocation of any facility or utility, good and sufficient guards shall be placed to prevent injury, damage or defacement to any street tree in the vicinity of such operation. Streets or rights-of-way which are damaged by construction or other act shall be returned to their original condition by the person, persons or firm causing such damage, or shall bear the cost of such action, including legal and administrative costs.

B. Emergency -- When a street tree is interrupting service through its direct interference, a utility company providing gas, water, sewer, electricity, telephone, communication or cable television service may trim or remove branches of trees to the extent necessary to restore service and protect its facilities. Only if the condition of a street tree presents an imminent threat will it be
acceptable to remove the tree(s) without a permit, as allowed under LMC xx.040 B, in order to restore or prevent disruption of utility service.

C. Prevention of Utilities Not Intended -- This section shall not prevent persons, firms or public utilities from installing and maintaining structures, facilities or utilities lawfully on, over or under public streets or rights-of-way, subject to other applicable provisions of this code. When maintaining or removing street trees the Director shall consider the effect upon existing overhead wires or underground pipes or conduits in order to avoid any unnecessary disturbance to or relocation of such facilities, in accordance with the street tree program.

XX.080 Street tree protection

A. Protection During Work -- All street trees that may be adversely impacted by any excavation, demolition, construction or utility work must be sufficiently guarded and protected by those responsible for such work to minimize potential injury to street trees. Any work which requires a city permit and which may adversely impact street trees requires approval by the City Forester. In order to protect street trees, the City Forester may require protective measures consistent with national arborist organizations standards.

B. Damage or Injury Prohibited -- No person may destroy, injure, or deface any street tree by any means, including, but not limited to, the following methods:

1. Root impairment -- By impeding the free passage of water, air, or nutrients to the roots of any street tree by depositing
concrete, asphalt, plastic sheeting or other material on the ground immediately surrounding it, or by physically wounding or displacing the roots of any street tree;

2. Toxic exposure -- By pouring any toxic material on any street tree or on the ground near any street tree;

3. Fire -- By causing or encouraging any fire near or around any street tree;

4. Severe crown reduction -- By severely reducing a street tree’s crown by removing more than twenty-five percent of the tree’s foliage, since removal and replacement is preferred to severe crown reduction, except when pruning under utility wires or when eliminating obstructions of the right-of-way, as required by this chapter;

5. Direct injury -- By carving, breaking, attaching any sign, poster, notice, or other object, on any street tree -- while allowing lighting of a decorative or seasonal nature, provided that such lighting is draped or wrapped around a street tree and maintained without causing permanent damage to the street tree -- or by fastening any rope, wire, cable, nail, screw, staple or other device to any street tree, except as used to support a young or broken tree, or as used to support heritage tree signage, where heritage trees are defined in LMC xx.; or

6. Improper equipment -- By using equipment that is not generally accepted by the tree care industry.

XX.090
Enforcement

A. Action by the Director -- Whenever the Director determines that a condition exists in violation of this chapter or any standard required to be adhered to by this chapter, or in violation of any permit issued hereunder, he or she is authorized to enforce the provisions of this chapter.
The enforcement of this chapter shall be governed by the provisions contained in LMC xx, Uniform Enforcement Code. No provision of this section, nor any provision in Title xx, shall prevent the city from seeking relief from a court of competent jurisdiction without having first issued a Correction Notice, Notice of Civil Violation and Order, or Stop Work Order.

1. Additional penalties -- The enforcement provisions for tree protection are intended to encourage compliance and protect the City’s significant and valued trees. To achieve these ends, violators will not only be required to restore damaged or removed protected trees, insofar as that is possible, but will incur a civil and/or criminal penalty for the redress of community ecological, aesthetic, and economic values lost or damaged.

2. Owner’s Liability -- The owner of the land on which the violation occurs shall be named as a party to the violation, except in cases of trespass. In addition to any other persons who may be liable for violations, the owner shall be jointly and severally liable for the restoration of a site and payment of any penalties imposed.

3. Separate violations -- Each violation of this code, or any rule or regulation adopted, or any permit, permit condition, or order issued pursuant to this code, shall be a separate offense.

4. Aiding or Abetting -- Any person who, through an act of commission or omission procures, aids or abets in the violation shall be considered to have committed a violation for the purposes of the penalty.

B. Urban Forestry Account -- There is established a special revenue account to be known as the Urban Forestry account into which shall be deposited all assessments, fines, gifts designated for trees, money generated from compensatory payments, permit fees, and the sale of street and park trees and urban forest products and wood, along with other sums appropriated in the budget from the city general fund, street fund, utility funds, private gifts, or grants. The account shall be used for the purposes of planting, maintenance, protection, inspection, and removal of city street trees and trees on
other city-owned properties, and for public education regarding Urban Forestry.

C. Restoration Costs -- In addition to the penalties and remedies contained in LMC Title xx, a person shall also incur restoration costs if the person removes a street tree without an approved street tree work permit, or damages a street tree, through improper pruning or improper street tree protection, to such an extent that the City Forester requires the street tree's replacement. Restoration costs shall equal the value of the removed or damaged street tree, as determined by the latest edition of The Guide for Plant Appraisals, published by the International Society of Arboriculture. Actual costs for the purchase and installation of a replacement street tree shall count as a dollar for dollar credit against imposed restoration costs. Additional credit for maintenance costs shall be limited to the estimated expenses for the watering and pruning of a replacement street tree for the first three years after planting.

D. Urban Forestry Account Designation -- Any civil penalties or restoration costs received under the authority of this chapter shall be placed in the city’s Urban Forestry account.

E. Nuisance Declaration -- All violations of any provision of this chapter or incorporated standards, or of any permit or license issued hereunder, are declared nuisances and made subject to the administration and enforcement provisions of Chapter xx LMC, including any amendments, and including but not limited to abatement, criminal penalty, and civil penalty as set forth in Chapter xx LMC, which are incorporated by reference as if set forth herein.
.... cut from Vancouver’s definition of “Urban Forestry”

Inherent in this function is a comprehensive program designed to educate the urban populace on the role of trees and related plants in the urban environment. In its broadest sense, urban forestry is one essential component of a multi-managerial system that includes watersheds within the City, wildlife habitats, outdoor recreation opportunities, landscape design, recycling of municipal vegetative wastes and tree care in general.

from Port Townsend

**12.24.030 Maintenance.**
Other than pursuant to a street development permit under Chapter **12.04** PTMC, the city public works department or any authorized professional hired by the city public works department shall have the sole right to cut, trim, prune, maintain and remove all street trees and park trees within the city as may be necessary for public safety or to preserve or enhance the symmetry and beauty of such public grounds, streets and sidewalks within the areas shown in the engineering design standards manual.

from Santa Clarita

**13.76.030 Street Trees Property of City.**
All trees and shrubs planted or existing in the city’s street, park, public right-of-way or easement or other public place within the City limits and so considered and/or dedicated as City property, is the property of the City.

**13.76.040 Authority of City/Director.**
A. Authority Over Street Trees. The City shall have control of all street trees, shrubs and other plantings now or hereafter in any street, park, public right-of-way or easement, or other public place within the City limits, and shall have the power to plant, care for, maintain, remove, and replace such trees, shrubs and other plantings from Issaquah ...
18.12.150 Landscape requirements on public properties and rights-of-way.

D. Maintenance of landscape areas (including irrigation systems, ornamental plantings and other landscape elements) on City right-of-way shall be the responsibility of the abutting property owner unless the City has accepted maintenance responsibility for that right-of-way. Any tree removal shall require City approval.

E. Permission by the City shall be required before any plant may be planted or removed from City property or public right-of-way.
## City of Langley
### Zoning Districts

<table>
<thead>
<tr>
<th>Land Uses</th>
<th>CB</th>
<th>NB</th>
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<td>Bed and Breakfast Rooms not located in the building of principal use</td>
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