

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 24-0621**

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON,
AMENDING CHAPTERS 15.25, 18.20, and 18.57 OF THE KENMORE
MUNICIPAL CODE TO AMEND EXCEPTIONAL TREE REGULATIONS
AND PROCEDURES WITHIN THE CITY; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City of Kenmore Comprehensive Plan (“Comprehensive Plan”) Policy LU-2.2.3 states that Kenmore’s regulation of land use should: a) protect public health, safety, and general welfare; b) protect environmentally sensitive areas, including wetlands, groundwater, streams, Lake Washington, the Sammamish River, and Puget Sound; and c) support tree preservation, whenever possible; and

WHEREAS, Comprehensive Plan Policy LU-1.5.2 identifies that development regulations should provide and address, among other things, tree retention standards; and

WHEREAS, the Comprehensive Plan Housing Element plans for a range of densities and housing types for all needs and incomes, through preserving, improving, and expanding housing stock; and

WHEREAS, the Comprehensive Plan 20-Year Vision embraces its role as a high-capacity transit community, supporting bus rapid transit and other transit options as part of the regional network; and

WHEREAS, the Comprehensive Plan states that high density residential development intensities support and are supported by multi-modal transportation options, including high capacity transit; and

WHEREAS, areas located near high-capacity transit are typically characterized by higher-density development, including multifamily housing, and benefit from enhanced access to public transportation options, supporting more efficient land use and promoting sustainable growth; and

WHEREAS, single-family residential development in the R-1, R-4, and R-6 zones does not accommodate high-density multifamily development, limiting the potential for increased housing density and diverse housing options in these areas; and

WHEREAS, the City aims to balance housing needs while honoring its commitment to tree preservation and environmental stewardship; and

WHEREAS, the City Council has considered tree protection regulations at its April

19, 2021, May 26, 2021, September 20, 2021, December 6, 2021, March 21, 2022, May 16, 2022, July 18, 2022, and October 24, 2022, September 25, 2023, October 9, 2023, April 8, 2024, July 22, 2024 meetings; and

WHEREAS, the City Council adopted Ordinance 23-0593 on October 16, 2023, with an effective date of October 25, 2023, to establish an exceptional tree program; and

WHEREAS, members of the public have voiced concerns about potential unintended consequences of Ordinance 23-0593, specifically as it may negatively impact housing; and

WHEREAS, at the April 8, 2024 study session and July 22, 2024 council meeting, City Council directed staff to amend the exceptional tree code to address unintended consequences of the exceptional tree ordinance which could negatively impact housing (“Proposed Amendments”); and

WHEREAS, the adoption of land use and zoning regulations is a valid exercise of the City’s police powers and is specifically authorized by RCW 35A.63.100, RCW 36.70A.040, and the Washington Constitution, Article XI, Section 11; and

WHEREAS the Proposed Amendments support Council priorities to increase and preserve the options for affordable housing; and

WHEREAS, the City sent notice of the Proposed Amendments to the Washington State Department of Commerce pursuant to RCW 36.70A.106; and

WHEREAS, on October 4, 2024, the City’s Responsible Official issued a Revised Determination of Non-Significance pursuant to the State Environmental Policy Act in relation to the Proposed Amendments; and

WHEREAS, the City Council held a public hearing on October 28, 2024 and considered the comments and record relating to the Proposed Amendments; and

WHEREAS, the City Council desires to adopt the Proposed Amendments and finds that such amendments are consistent with the 2023-2024 Council Priorities, the goals, objectives, and policies of the Comprehensive Plan; and

WHEREAS, the City Council has been guided by the goals of the Growth Management Act (RCW 36.70A.020) when considering adoption of the Proposed Amendments; and

WHEREAS, the City Council intends the amendments to remedy and cure unintended consequences and as such intends the amendment to retroactively apply to permits deemed complete on or after October 25, 2023; and

WHEREAS, the City Council finds that adoption of the Proposed Amendments is in the best interests of the residents of Kenmore and will promote the public health, safety,

and welfare of the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON
ORDAINS AS FOLLOWS:

Section 1. Findings. The City Council adopts the recitals set forth above as findings in support of this Ordinance, which are incorporated by reference as if set forth in full.

Section 2. Amendment. The City Council amends Chapters 15.25, 18.20, and 18.57 of the Kenmore Municipal Code as set forth in Exhibit A, attached hereto and incorporated by reference as if set forth in full.

Section 3. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance, or the application of the provision to other persons or circumstances, shall not be affected or affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

Section 4. Effective Date. This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL AT A MEETING THEREOF ON THE 28TH DAY OF OCTOBER 2024.

CITY OF KENMORE


[Nigel G. Herbig \(Nov 1, 2024 23:09 PDT\)](#)

Nigel Herbig, Mayor

ATTEST/AUTHENTICATED:


[Anastasiya Warhol \(Nov 4, 2024 14:08 PST\)](#)

Anastasiya Warhol, City Clerk

Approved as to form:


[Dawn Reitan \(Nov 4, 2024 14:34 PST\)](#)

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: 10/18/2024
PASSED BY THE CITY COUNCIL: 10/28/2024
ORDINANCE NO.: 24-0621
DATE OF PUBLICATION: 11/04/2024
EFFECTIVE DATE: 11/09/2024

EXHIBIT A TO ORD. 24-0621

15.25.030 Definitions.

Certain words and phrases used in this chapter, unless otherwise clearly indicated by their context, mean as follows:

- A. "Applicant" means a person who files an application for a permit under this chapter and who is either the owner of the land on which that proposed activity would be conducted, a contract purchaser, or the authorized agent of such a person.
- B. "Bench" means a relatively level step excavated or constructed on the face of a graded *slope* surface for drainage and maintenance purposes.
- C. "City manager" means the City of Kenmore city manager or his or her designee(s).
- D. "Clearing" means the cutting or *removal* of *vegetation* or other organic plant material by physical, mechanical, chemical or any other means.
- E. "Department" means the *department* designated by the *city manager* to administer this chapter.
- F. "Diameter at breast height" means a *tree's* diameter in inches at four and one-half feet above the ground. On multiple stemmed or trunked *trees*, the diameter shall be the sum of diameters of all individual stems or trunks.
- G. "Director" means the director of the *department* designated by the *city manager* to administer this chapter.
- H. "Earth material" means any rock, natural soil or any combination thereof.
- I. "Erosion" means the wearing away of the ground surface as the result of the movement of wind, water and/or ice.
- J. "Excavation" means the *removal* of *earth material*.
- K. "Exceptional tree" means a tree which because of its unique combination of size, species, and age is worthy of long-term retention for the purposes and values set forth in KMC [18.57.015](#), and that has been determined to constitute an important community resource and may not be *removed* or damaged.
 1. All healthy specimens of *tree* species in Table 1 are *exceptional trees* if they have a diameter at breast height (d.b.h.) equal to or greater than that listed for the respective species. For *trees* with multiple leaders at four and one-half feet above the ground, the d.b.h. shall be the combined cumulative total of branches greater than six inches diameter at four and one-half feet above the ground. For *trees* that have been removed and whereas only the stump remains, the size of the *tree* shall be measured from the diameter of the top of the stump.
 2. Any healthy *tree* with a d.b.h. of 48 inches or greater is an exceptional tree except those in Table 2 that are never considered exceptional.

Table 1: Exceptional Tree Species and Required Diameters at Breast Height

Tree Species (Common Name)	Scientific Name	Threshold d.b.h. (in inches)
American Elm	<i>Ulmus americana</i>	30"
Bigleaf Maple	<i>Acer macrophyllum</i>	42"
Douglas Fir	<i>Pseudotsuga menziesii</i>	30"
Giant Sequoia	<i>Sequoiadendron giganteu</i>	30"
Grand Fir	<i>Abies grandis</i>	24"
Madrona	<i>Arbutus menziesii</i>	12"
Oregon Ash	<i>Fraxinus latifolia</i>	24"
Oregon White Oak	<i>Quercus garryana</i>	24"
Pacific Dogwood	<i>Cornus nuttallii</i>	24"
Pacific Yew	<i>Taxus brevifolia</i>	Determined by the City Manager
Pine (any species)	<i>Pinus</i> family	30"
Shore Pine	<i>Pinus contorta</i>	12"
Sitka Spruce	<i>Picea sitchensis</i>	24"
Western Hemlock	<i>Tsuga heterophylla</i>	24"
Western Red Cedar	<i>Thuja plicata</i>	30"
Willow (any species)	<i>Salix</i> family	24"

Table 2: Tree Species That Are Not Exceptional Trees

Tree Species (Common Name)	Scientific Name
Alder (any species)	<i>Alnus</i> family
Black Cottonwood	<i>Populus trichocarpa</i>

Table 2: Tree Species That Are Not Exceptional Trees

Tree Species (Common Name)	Scientific Name
English Holly	<i>Ilex aquifolium</i>
Leyland Cypress	<i>Cupressus x leylandii</i>

L. “Fill” means a deposit of *earth material* placed by mechanical means.

M. “Grade” means the elevation of the ground surface.

1. “Existing grade” means the *grade* prior to *grading*.

2. “Rough grade” means the stage at which the *grade* approximately conforms to the approved plan.

3. “Finish grade” means the final *grade* of the *site* which conforms to the approved plan.

N. “Grading” means any excavating, filling, removing of the duff layer, or combination thereof.

O. “Hazard tree” means any *tree* that has a high probability of failure due to any structural defect, disease or damage or combination of defect, disease or damage. A “high probability of failure” means falling and causing damage to persons or property. A “hazard tree” includes, but is not limited to, any isolated *tree(s)* that have a high probability of failure due to low *wind-firmness* in post-construction conditions as determined by a *qualified tree protection professional*.

P. “Impervious surface” means a nonvegetated surface which either prevents or retards the entry of water into the soil mantle under natural conditions prior to development, and/or which causes water to run off the surface in greater quantities or at a rate of flow greater than the flow under natural conditions prior to development. Common *impervious surfaces* include, but are not limited to, roofs, walkways, patios, driveways, parking lots, storage areas, paved areas, gravel areas, areas of packed or oiled earthen materials or other surfaces which similarly impede the natural infiltration of surface and *stormwater*. Open uncovered flow control or water quality treatment facilities shall not be considered as *impervious surfaces* for the purposes of determining whether thresholds for the application of minimum requirements are exceeded, but shall be considered *impervious surfaces* for the purposes of runoff modeling.

Q. “Land alteration” means any alteration to the surface of the land or the surface drainage including improvements to a storm water tract. *Land alterations* include but are not limited to: *excavations, fills, clearing, grading, and tree removal* or any combination thereof; placing or removing *impervious surfaces*, including *structures and pavement*; compacting the earth surface; changing the existing *grade*; or changing the surface so that surface water leaves the site differently, including changes to flow path, flow rate, or flow volume.

R. "Removal" with regard to *trees* means the act of removing a *tree* by digging up, cutting down, or causing a *tree* to die within a period of three years from such act.

S. "Shorelines" means those lands defined as shorelines in the State Shorelines Management Act of 1971.

T. "Significant tree" means an existing healthy *tree* that is not a *hazard tree* and that is at least six inches in *diameter at breast height* (d.b.h.) as measured at four and one-half feet (54 inches) above the ground. For *trees* with multiple leaders at four and one-half feet above the ground, the d.b.h. shall be the combined cumulative total of branches greater than six inches diameter at four and one-half feet above the ground. For *trees* that have been removed and whereas only the stump remains, the size of the *tree* shall be measured from the diameter of the top of the stump. Replacement trees required as mitigation for removed *exceptional trees* are considered *significant trees*, regardless of size.

U. "Site" means any lot or parcel of land or contiguous combination thereof where projects covered by this chapter are performed or permitted.

V. "Slope" means an inclined ground surface, the inclination of which is expressed as a ratio of vertical distance to horizontal distance.

W. "Storm drain system" means a system of gutters, pipes, or ditches used to carry surface and *stormwater* from the surrounding lands to drainage facilities, critical areas, streams or lakes.

X. "Stormwater" means water originating from rainfall and other precipitation that ultimately flows into drainage facilities, rivers, streams, lakes and wetlands. As applied in this chapter, *stormwater* is synonymous with the term "surface water."

Y. "Structure" means anything permanently constructed in or on the ground, or over the water, and excluding fences eight feet or less in height, decks less than 18 inches above *grade*, paved areas, and structural or nonstructural *fill*.

Z. "Terrace" means a relatively level step excavated or constructed on the face of a graded *slope* surface for drainage and maintenance purposes.

AA. "Tree" means a self-supporting woody perennial plant characterized by one main stem or trunk of at least six inches diameter at breast height, or a multiple stemmed or trunk system with a definite crown, maturing at a height of at least 12 feet above ground level. The *department* shall determine whether any specific woody plant shall be considered a tree.

BB. "Vegetation" means any and all organic plant life growing at, below, or above the soil surface. [Ord. 23-0593 § 2 (Exh. A); Ord. 22-0547 § 2 (Exh. A); Ord. 16-0428 § 11 (Att. G); Ord. 12-0345 § 3 (Exh. A).]

Chapter 18.20
TECHNICAL TERMS AND LAND USE DEFINITIONS

* * *

18.20.3022 Transit, High Capacity

“High capacity transit” means a transit stop that receives transit services from at least one route that provides service at least four times per hour for twelve or more hours per day.

* * *

18.20.3083 Tree, exceptional.

“Exceptional tree” means a tree which because of its unique combination of size, species, and age is worthy of long-term retention for the purposes and values set forth in KMC [18.57.015](#), and that has been determined to constitute an important community resource and may not be *removed* or damaged.

A. All healthy specimens of *tree* species in Table 1 are *exceptional trees* if they have a diameter at breast height (d.b.h.) equal to or greater than that listed for the respective species. For *trees* with multiple leaders at four and one-half feet above the ground, the d.b.h. shall be the combined cumulative total of branches greater than six inches diameter at four and one-half feet above the ground. For *trees* that have been removed and whereas only the stump remains, the size of the *tree* shall be measured from the diameter of the top of the stump.

B. Any healthy *tree* with a d.b.h. of 48 inches or greater is an *exceptional tree* except those in Table 2 that are never considered exceptional.

Table 1: Exceptional Tree Species and Required Diameters at Breast Height

Tree Species (Common Name)	Scientific Name	Threshold d.b.h. (in inches)
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Giant Sequoia	<i>Sequoiadendron giganteu</i>	30"
Grand Fir	<i>Abies grandis</i>	24"

Table 1: Exceptional Tree Species and Required Diameters at Breast Height

Tree Species (Common Name)	Scientific Name	Threshold d.b.h. (in inches)
Madrona	<i>Arbutus menziesii</i>	12"
Oregon Ash	<i>Fraxinus latifolia</i>	24"
Oregon White Oak	<i>Quercus garryana</i>	24"
Pacific Dogwood	<i>Cornus nuttallii</i>	24"
Pacific Yew	<i>Taxus brevifolia</i>	Determined by the City Manager
Pine (any species)	<i>Pinus</i> family	30"
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Table 2: Tree Species That Are Not Exceptional Trees

Tree Species (Common Name)	Scientific Name
Alder (any species)	<i>Alnus</i> family
Black Cottonwood	<i>Populus trichocarpa</i>
English Holly	<i>Ilex aquifolium</i>
Leyland Cypress	<i>Cupressus x leylandii</i>

* * *

Chapter 18.57
TREE MANAGEMENT AND PROTECTION

* * *

18.57.035 Exemptions.

A. The following land *uses* are exempt from the provisions of this chapter. However, compliance with other applicable provisions of the Kenmore Municipal Code including but not limited to ~~to then-current~~ *critical* area regulations per Chapter [18.55](#) KMC and ~~then-current~~ clearing regulations per Chapter [15.25](#) KMC is still required:

1. Agriculture, meaning the use of the 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.
2. *Commercial nursery* or *tree farm*, but only those *trees* which are planted and growing on the premises of a licensed retailer or wholesaler for sale to the general public. Other *trees* on such premises shall remain subject to this chapter.
3. Residential *Development*.
 - a. All existing *lots* on which are to be situated new *single detached dwelling units* in residential zones based on tree removal limits established by clearing requirements.
 - b. All existing *lots* on which are situated existing detached *dwelling units* in residential zones based on tree removal limits established by clearing requirements.
 - c. ~~Unless otherwise exempted in KMC 18.57.063.D, residential Residential~~ development is not exempt from the provisions of KMC [18.57.063](#), *Exceptional tree* protections.
4. Downtown Commercial and Downtown Residential Zones. All *development* occurring within core areas designated as downtown commercial and downtown residential zones. [Ord. 23-0593 § 4 (Exh. B); Ord. 22-0547 § 4 (Exh. B(II)); Ord. 11-0329 § 3 (Exh. 1).]

* * *

18.57.063 Exceptional tree protections.

A. Prohibited Activities. The following activities are prohibited with regard to *exceptional trees*.

1. *Removal*, in whole or in part.
2. Harming, injuring, or damaging the *tree*, including cutting its bark or branches with a knife, axe, hatchet, saw, or any other similar device or object.
3. Pouring toxic material on the *tree* or on the ground near enough to the *tree* to affect its health.

4. Burning the *tree* or causing a fire near enough to the *tree* to affect its health.
5. Topping.
6. Pruning beyond the standards provided by the Tree Care Industry Association at ANSI300 Part 1.
7. Attaching any sign, poster, notice, or other object to the *tree*, or fastening any guy wire, cable, rope, nails, screws, or other device to the *tree*, with the following exceptions:
 - a. To support young or broken *trees*;
 - b. For residential uses (e.g., treehouses, tire swings, etc.);
 - c. The *City* may tie temporary signs or banners associated with street improvement, parades, seasonal lighting, or other *City* activities.

B. Variance. *Exceptional trees* may be removed only as allowed in this section.

1. *Variances* from the *exceptional tree* standards of this chapter may be authorized by the *city manager* in accordance with the approval criteria described in this section. A variance for removal of *exceptional trees* is a Type 2 land use decision, pursuant to KMC [19.25.020](#), except as described in subsection (B)(2)(a)(3) of this section.

- a. Prior to commencing with the *removal* the owner shall obtain a permit from the *City*.
- b. No *variance* is allowed in order to create additional *lots*.
- c. Decision Criteria.

(1) Necessary for Rights or Use – Private *Development Proposals*. Such *variance* is necessary for the preservation and enjoyment of a substantial property right or use possessed by other similarly situated properties but which because of the presence of *exceptional tree(s)* is denied to the property in question. For a variance to be granted under this section, the applicant must demonstrate compliance with the reasonable use exception approval criteria established in KMC [18.55.180\(A\)\(1\)\(a\)](#) through (g). The phrase “*exceptional tree*” shall replace the phrase “*critical area*” when utilizing said criteria for a variance under this section;

(2) The granting of such *variance* will not be materially detrimental to the public welfare or injurious to the property or improvement;

(3) The granting of the *variance* is consistent with the general purpose and intent of the *City’s* comprehensive plan and adopted development regulations.

d. *City Manager Review*. The *city manager* shall review the application. The *city manager* shall approve, approve with conditions, or deny the request based on the proposal’s ability to comply with all of the *variance* criteria in this section.

e. Burden of Proof. The burden of proof shall be on the *applicant* to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application.

f. Time Limit.

(1) Establishment of any activity authorized pursuant to an *exceptional tree variance* shall occur within four years of the effective date of the decision for such *variance*. This period may be extended for one additional year by the *city manager* if the *applicant* has submitted the applications necessary to authorize the development activity and has provided written justification for the extension.

(2) For the purpose of this subsection, “establishment” shall occur upon the issuance of all local permit(s) needed to begin the development activity; provided, that the improvements authorized by such permits are completed within the time frames of said permits.

g. Mitigation Requirements.

(1) To the extent feasible, *exceptional trees removed* under a *variance* shall be replaced at a ratio of three replacement trees for each *exceptional tree removed* (3:1).

(2) If on-site replacement is not feasible, off-site replanting on public property with the *City’s* written permission.

(3) Whether planted on-site or off-site, replacement *trees* shall be of a species listed in Table 1 at KMC [18.20.3083](#) and must remain viable for a minimum of five years after planting or themselves be replaced at a 1:1 ratio.

(4) Notwithstanding the foregoing, replacement trees under this chapter are considered *significant trees* pursuant to KMC [18.20.2730](#), regardless of diameter at breast height (d.b.h.).

(5) Notice on *title*.

(a) In order to inform subsequent purchasers of real property of the existence of replacement *trees* and their required viability period, the owner of any property containing replacement *trees* planted as mitigation for the removal of *exceptional trees* shall file a notice with county records and elections division according to the direction of the *City*. The notice shall state the presence of the replacement *trees* on the property and the date until which they must remain viable, of the application of this chapter to the property, and the fact that limitations on actions affecting the *trees* may exist. The notice shall run with the land.

(b) This notice on title shall not be required for:

- (A) A *development proposal* by a *public agency* or utility;
- (B) Within a recorded easement or right-of-way;
- (C) Where the agency or *utility* has been adjudicated the right to an easement or right-of-way; or
- (D) On the site of a public facility.

(c) The applicant shall submit proof that the notice has been filed with the county records and elections division (i.e., copy of document recorded on title).

2. Hazardous Trees.

a. The *removal of hazard exceptional trees* shall comply with the following:

(1) Prior to commencing with the *removal* the owner shall obtain a permit from the *City*.

(2) The burden of proving the hazardous nature of the *tree* lies with the property owner. The property owner shall provide the *City* with a report, prepared by an International Society of Arboriculture (ISA) certified arborist with a current Tree Risk Assessment Qualification (TRAQ), documenting that the *tree(s)* has a “high” or “extreme” risk and no other mitigation measure will reduce the risk below “high.”

(3) Emergency Tree Removal. Where tree removal is necessary to prevent or correct an immediate threat to public health, safety, property, or welfare is performed in an emergency situation, the permit application, evidence of the threat, and a tree risk rating of “high” or “extreme” prepared by a *qualified tree protection professional* shall be submitted within the next business working day to the *City*. Emergency tree removal, as described here within, is exempt from the Type 2 decision process.

b. Mitigation Requirements.

(1) The *removal of hazardous, dying, or dead exceptional trees* shall be *mitigated* by planting one replacement tree, unless otherwise provided in KMC [18.55.150\(E\)\(2\)](#).

(2) Replacement *trees* must be of a species listed in Table 1 at KMC [18.20.3083](#) and must remain viable for a minimum of five years after planting or themselves be replaced at a 1:1 ratio.

3. Private Access.

a. Prior to commencing with the *removal* the owner shall obtain a permit from the *City*.

b. *Exceptional trees* may be *removed* where necessary to provide for access to *development* sites, provided there are no feasible alternative alignments. Alternative access must be pursued to the maximum extent feasible.

4. Public Facilities.

a. The *City* reserves the right to *remove exceptional trees* where necessary for roads, bridges, *utilities*, and facilities.

b. *Exceptional tree* removal by private utilities require a tree removal permit and right-of-way use permit.

c. *Exceptional trees* removed under this section are subject to the mitigation requirements described in subsections (B)(1)(g)(1) through (4).

C. Modification to Standards to Protect Exceptional Trees.

1. For single-family residential subdivisions and short subdivisions on sites in the R-4 zone that contain *exceptional trees*, the minimum lot size may be reduced to 5,400 square feet with no limitation on the percentage of smaller lots, regardless of KMC [18.21.030](#), Footnote 16. The lot area shall exclude access easements and access panhandles.

2. Unless it would be unreasonable to do so based on the use of neighboring properties, the *city manager* may reduce *setbacks* in residential zones regulated by Chapter [18.21](#) KMC to 10 feet, and *setbacks* in other zones to five feet, in order to maximize the protection of an *exceptional tree* and avoid exceptions or variances.

D. Exemption.

1. In the Community Business, Downtown Commercial, Downtown Residential, Manufactured Housing Community, Public/Semi-Public, R-12, R-18, R-24, Regional Business, Waterfront Commercial, Urban Corridor, and Urban Residential zones, KMC [18.57.063](#) shall not apply to residential development located within one-quarter mile (1,320 feet) of planned or existing transit stops designated as *high-capacity transit* by Sound Transit.

2. *Exceptional trees* removed under this section shall pay a fee to the city's tree fund in an amount established by resolution.

ED. Penalties.

1. Civil Penalty. The penalty for *removal* of an *exceptional tree* or any other activity prohibited under subsection A of this section shall be a civil penalty of up to \$2,500 per inch in d.b.h. of the *tree removed* with a maximum fine of \$150,000. In no case shall the penalty be reduced to less than \$10,000 total. For example, the monetary penalty for a 30-inch d.b.h. Douglas fir *removed* results in a maximum penalty of \$75,000. If the violation is found to have been willful or malicious, as determined by the *city manager*, the amount of the penalty may be doubled as punitive damages and the violator may be subject to criminal penalties under KMC [18.57.110\(B\)](#).

2. In addition, any person found to be in violation of this section shall plant three replacement *trees* for each *exceptional tree* removed. Replacement *trees* shall be a species listed in Table 1 at KMC [18.20.3083](#) and must remain viable for a minimum of five years after planting or themselves be replaced by the offender at a 1:1 ratio. In order to inform subsequent purchasers of real property of the existence of replacement *trees* and their required viability period, a notice will be filed on the title by the same procedure outlined under subsection (B)(1)(g)(4) of this section. [Ord. 23-0593 § 4 (Exh. B).]

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Ordinance No. 24-0621, Amending Exceptional Tree Regulations 15.25, 18.20, and 18.57 KMC

Final Audit Report

2024-11-04

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By:	Michelle Kang (mkang@kenmorewa.gov)
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"Ordinance No. 24-0621, Amending Exceptional Tree Regulations 15.25, 18.20, and 18.57 KMC" History

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-  Document e-signed by Nigel G. Herbig (nherbig@kenmorewa.gov)
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