

**CITY OF MAPLE VALLEY, WASHINGTON  
ORDINANCE NO. O-20-705**

**AN ORDINANCE OF THE CITY OF MAPLE VALLEY,  
WASHINGTON AMENDING CHAPTER 18.40.130 OF THE  
MAPLE VALLEY MUNICIPAL CODE ENTITLED  
“LANDSCAPING AND TREE RETENTION” PROVIDING FOR  
SEVERABILITY, ESTABLISHING AN EFFECTIVE DATE AND  
PROVIDING FOR CORRECTIONS**

WHEREAS, Washington State law allows for periodic updates to City zoning code as necessary; and

WHEREAS, the City of Maple Valley wishes to amend fines related to landscaping and tree retention to bring fines in line with other jurisdictions and to provide an additional disincentive to the illegal removal of protected trees; and

WHEREAS, the Planning Commission discussed landscaping and tree retention code amendments at Planning Commission meetings held on June 17 and July 1, 2020; and

WHEREAS, the Planning Commission held a public hearing on July 15, 2020 to solicit comment regarding the proposed amendments; and

WHEREAS, the City notified the Department of Commerce and issued an anticipated SEPA Determination of Non-Significance, no comments were received; and

WHEREAS, the Planning Commission Chair provided the hand-off of the Planning Commission recommendations to the City Council and City staff introduced the proposed amendments on August 24, 2020 at a regular City Council meeting.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON, DO ORDAIN AS FOLLOWS:

**Section 1. Amendment.** Section 18.40.130 of Maple Valley Municipal Code Section entitled “Landscaping and Tree Retention” is hereby amended to read as follows: (new text shown in underline; deleted text shown in ~~striketrough~~):

**18.40.130 Landscaping and Tree Retention**

A. Purpose. The purpose of this section is to:

1. Provide minimum standards for landscaping in order to maintain and protect property values, preserve significant native vegetation, particularly along major transportation corridors, and enhance the general appearance of the City.

2. Landscaping designs shall utilize native vegetation species and drought-tolerant species, and retain natural vegetation, in order to reduce the impact of development on the water resources of the City.
3. Respond to State-level mandates for action in such areas as water conservation, energy conservation, enhancement of water quality, and improvement of air quality.
4. Reflect City planning goals, urban design standards, and ecological awareness.
5. Provide an appropriate amount and quality of landscaping related to all land use in the City.
6. Establish a minimum level of regulation that reflects the purposes of this code.
7. Provide for design flexibility.

#### B. Applicability.

1. These provisions shall apply to all development applications in the City, with the exception of individual single-family residential and minor or local utility infrastructure; provided, that single-family residential complies with the soil amendments requirements in subsection (B)(2) of this section, and that when the installation of minor and local utility infrastructure requires the removal of significant trees, those trees shall be replaced on a one-to-one basis with trees meeting the requirements of subsection (J)(19) of this section.
2. All portions of a disturbed site not used for buildings, future buildings, parking and storage or accessory uses shall have the soil moisture holding capacity restored to that of the original undisturbed soil native to the site to the maximum extent practicable. The soil in any area that has been compacted or that has had some or all of the duff layer or underlying topsoil removed shall be amended to mitigate for lost moisture-holding capacity. The amendment shall take place between May 1st and October 1st. The topsoil layer shall be a minimum of eight inches thick, unless the applicant demonstrates that a different thickness will provide conditions equivalent to the soil moisture-holding capacity native to the site. The topsoil layer shall have an organic matter content of between five to 10 percent dry weight and a pH suitable for the proposed landscape plants. When feasible, subsoils below the topsoil layer should be scarified at least four inches with some incorporation of the upper material to avoid stratified layers. Compost used to achieve the required soil organic matter content must meet the definition of “composted materials” in [WAC 173-350-220](#). The soil quality design guidelines listed above can be met by using one of the following two options:
  - a. Option 1: Amend existing site topsoil or subsoil at a rate of eight cubic yards of compost per 1,000 square feet disturbed soil area, spread at a two-and-one-half-inch depth, and rototilled in eight to 12 inches deep.

b. Option 2: Import topsoil mix of sufficient organic content (five to 10 percent dry weight), pH (6.0 to 8.0), and depth to meet the requirements.

C. Landscape Plan Approval.

1. Except as set forth in subsection (B) of this section, no permit shall be issued to erect, construct or undertake any development project resulting in a new structure or expanding the footprint of an existing structure without prior approval of a landscape plan by the City.
2. Required landscape plans shall be prepared by a landscape design professional (landscape architect, certified landscaper, certified nursery professional, etc.), certified or registered by the State of Washington.

D. General Landscaping Requirements – All Zones.

1. All portions of a lot not used for buildings, future buildings, parking, storage or accessory uses, and proposed landscaped areas shall be retained in a “native” or predeveloped state or restored to such state with appropriate enhanced plantings as determined by the Director; provided, that schools in Public zones shall not be subject to this requirement.
2. Slopes in areas that have been landscaped with lawn shall generally be a three-to-one ratio or less, width to height (horizontal to vertical), to assist in maintenance and to allow irrigation systems to function efficiently.
3. Type III landscaping, defined in subsection (E)(3) of this section, shall be placed outside of sight-obscuring fences abutting public rights-of-way and/or access easements.
4. With the exception of lawn areas, new landscaping materials (i.e., trees, shrubs and groundcover) shall consist of drought-tolerant species and Pacific Northwest adaptive vegetation. All developments are required to include native Pacific Northwest and drought-tolerant plant materials for all projects.
5. Deciduous trees shall have a caliper of at least two inches at the time of planting measured four and one-half feet above the root ball or root.
6. Evergreen trees shall be a minimum six feet in height measured from treetop to the ground at the time of planting.
7. Shrubs shall be a minimum of 12 to 24 inches in height (measured from top of shrub to the ground) at the time of planting.

8. Groundcover shall be planted and spaced to result in total coverage of a landscaped area within three years of planting.
9. Areas planted with grass/lawn shall:
  - a. Constitute no more than 40 percent of landscaped areas; provided, there shall be an exception for biofiltration swales, except for schools in Public zones; and
  - b. Be a minimum of five feet wide at the smallest dimension.
10. Grass and required landscaping areas shall contain at least two and one-half inches of compost or imported topsoil with five to 10 percent soil organic matter content.
11. Existing clay or sandy soils where landscaping is to be installed shall be augmented with an organic supplement.
12. Landscape areas shall be covered with at least three inches of mulch to minimize evaporation.
13. Mulch shall be used in conjunction with landscaping in all planting areas to assist vegetative growth and maintenance or to visually complement plant material, except that undisturbed native vegetation need not be mulched. Nonvegetative material shall not be an allowable substitute for plant material.
14. Landscaping and fencing shall not violate the sight distance safety requirements at street intersections and points of ingress/egress for the development.
15. All tree types shall be spaced appropriately for the compatibility of the planting area and the canopy and root characteristics of the tree.
16. Foundation landscaping is encouraged to minimize impacts of the scale, bulk and height of structures.
17. All loading areas shall be fully screened from public rights-of-way or nonindustrial/manufacturing uses with Type I landscaping.
18. Use of products made from post-consumer waste is encouraged whenever possible.
19. Walkways, decorative paving, fountains, benches, picnic tables and other features or amenities are encouraged in landscaping areas. These features are in addition to the landscaping requirement, not in lieu of such requirement.

## E. Landscaping Types.

### 1. Type I – Solid Screen.

a. Purpose. Type I landscaping is intended to provide a solid sight barrier to totally separate incompatible land uses. This landscaping is typically found between residential and incompatible nonresidential land use zones (e.g., business park uses and Residential, etc.), and around outdoor storage yards, service yards, loading areas, mechanical or electrical equipment, utility installations, trash receptacles, etc.

b. Description. Type I landscaping shall consist of evergreen trees planted no more than 20 feet on center in a triangular pattern; shrubs and groundcover, which will provide a 100 percent sight-obscuring screen within three years from the time of planting; or a combination of approximately 75 percent evergreen and 25 percent deciduous trees (with an allowable five percent variance), planted no more than 20 feet on center in a triangular pattern, with shrubs, and groundcover backed by a sight-obscuring fence. Shrub and groundcover spacing shall be appropriate for the species type, and consistent with the intent of this section.

### 2. Type II – Visual Screen.

a. Purpose. Type II landscaping is intended to create a visual separation that may be less than sight-obscuring between incompatible land use zones. This landscaping is typically found between Commercial and business park uses; High Density Multifamily and Single-Family Residential zones; Commercial and Residential zones; and to screen business park uses from the street.

b. Description. Type II landscaping shall be evergreen or a combination of approximately 60 percent evergreen and 40 percent deciduous trees, with an allowable five percent variance, planted no more than 20 feet on center in a triangular pattern, interspersed with large shrubs and groundcover. A sight-obscuring fence may be required if it is determined by the City that such a fence is necessary to reduce site-specific adverse impacts to the adjacent land use. Shrub and groundcover spacing shall be appropriate for the species type and the intent of this section.

### 3. Type III – Visual Buffer.

a. Purpose. Type III landscaping is intended to provide partial visual separation of uses from streets and between compatible uses so as to soften the appearance of parking areas and building elevations.

b. Description. Type III landscaping shall be a mixture of evergreen and deciduous trees planted no more than 30 feet on center in a triangular pattern

and interspersed with shrubs and groundcover. Shrub and groundcover spacing shall be appropriate for the species type and the intent of this section.

#### 4. Type IV – Open Area Landscaping.

a. Purpose. Type IV landscaping is primarily intended to provide visual relief and shading while maintaining clear sight lines, and is typically used within parking areas.

b. Description. Type IV landscaping shall consist of trees planted with supporting shrubs and groundcover. Shrubs shall be pruned at 40 inches in height above pedestrian or vehicle grade (whichever is higher), and the lowest tree branches shall be pruned to keep an approximate eight-foot clearance from the ground. Tree, shrub, and groundcover spacing shall be appropriate for the species type and the intent of this section. Vegetated LID facilities (bioretention, rain gardens, and dispersion), consistent with the intent of this section, are allowed. See subsection (G) of this section for location of Type IV landscaping.

#### F. Landscaping Requirements by Zoning District.

##### 1. Multifamily Residential, R-8 – R-24.

a. Type III landscaping of a minimum width of 10 feet shall be provided along all perimeter lot lines, except as provided in subsection (F)(1)(b) of this section.

b. Type I landscaping of a minimum width of 10 feet shall be provided along the perimeter abutting single-family zones (R-4 through R-6).

c. The requirements of subsection (G) of this section for parking area and perimeter parking area landscaping shall apply.

##### 2. Community Business, CB, Town Center, TC, Regional Employment Center, REC, and Regional Learning and Technology Center, RLTC.

a. Type III landscaping of a minimum width of 10 feet shall be provided along all properties abutting public rights-of-way and ingress/egress easements.

b. Type I landscaping of a minimum width of 20 feet shall be provided along the perimeter of property abutting a Residential zoning district.

c. The requirements of subsection (G) of this section for parking area and perimeter parking area landscaping shall apply.

### 3. Neighborhood Business, NB.

- a. Type III landscaping of a minimum width of 10 feet shall be provided along the perimeter of parking areas abutting public rights-of-way.
- b. Type I landscaping of a minimum width of 20 feet shall be provided along the perimeter of the property abutting a Residential zoning district.
- c. The requirements of subsection (G) of this section for parking area and perimeter parking area landscaping shall apply.

4. Park, Recreation, Open Space, PRO. Landscaping requirements are to be determined by the City on a project-by-project basis dependent on the proposed use and surrounding zoning districts.

### G. Parking Lot Landscaping.

1. Purpose. The purpose of this section is to mitigate adverse impacts created by parking lots which include noise, glare and increased heat, increased stormwater runoff and pollution, and to improve the physical appearance of parking lots.

2. Type IV Landscaping. Type IV landscaping shall be provided within surface parking areas as follows:

- a. All new Commercial; Park, Recreation, Open Space; and multifamily developments with parking for five or more vehicles, and subdivisions or PUDs with common parking areas for five or more vehicles, shall provide 25 square feet per parking stall.
- b. Landscaping along driveways and at building entrances may be counted toward the Type IV landscaping requirement, even if not fully within the parking area.
- c. Landscape Islands. Landscape islands shall be a minimum size of 100 square feet, with a minimum width of six feet at the narrowest point. At least one tree shall be planted in each landscape island. Islands shall be provided at the ends of all rows of parking, between loading doors or maneuvering areas and parking areas or stalls. Islands providing stormwater treatment are encouraged in low areas and between parking rows.
  - i. Any remaining required landscaping shall be dispersed throughout the interior parking area to create shade, reduce the visual impact of the parking lot, and meet applicable design requirements and guidelines.

ii. Deciduous trees are preferred for landscape islands within interior vehicle use areas.

iii. Lawn shall not be permitted in landscape islands less than 200 square feet in size and shall be used only as an accessory planting material to required trees, shrubs, and groundcover.

d. Curbing. Permanent curbing shall be provided in all landscape areas within or abutting parking areas. Where stormwater is intended to be routed into a bioretention facility, wheelstops or curb cuts may be used instead of a continuous permanent curb.

e. Parking Areas/Screening for Rights-of-Way.

i. Parking areas adjacent to public rights-of-way shall incorporate berms at least three feet in height within perimeter landscape areas. Alternatively, the Director may allow the addition of shrub plantings to the required perimeter landscape type, and/or the provision of architectural features of appropriate height with trees, shrubs and groundcover, in a number sufficient to act as an efficient substitute for the three-foot berm. Any such substitution must reduce the visual impact of parking areas and screen the automobiles from public view; provided, that vehicle display areas at automobile sales lots need not be fully screened.

ii. Parking adjacent to Residential zones shall reduce the visual impact of parking areas and buffer dwelling units from light, glare, and other environmental intrusions by providing Type I landscaping within required perimeter landscape areas.

f. Vehicular Overhang.

i. Vehicular overhang into any landscaping area shall not exceed two feet.

ii. No plant material greater than 12 inches in height shall be located within two feet of the curb or other protective barrier in landscape areas adjacent to parking spaces and vehicle use areas.

3. Senior High Schools in Public Zones. The parking lot landscaping requirements for the development of senior high schools in Public zones shall be as approved by the Director during permit review.

H. Performance and Maintenance Standards.

1. Performance.

- a. All required landscaping shall be installed prior to final inspection or the issuance of a Certificate of Occupancy (CO), except as provided in subsection (H)(1)(d) of this section.
- b. When landscaping is required pursuant to this code, an inspection shall be performed to verify that the landscaping has been installed pursuant to the standards of this code.
- c. Upon completion of the landscaping work, the City shall inspect the installation upon request by the applicant.
- d. A Temporary Certificate of Occupancy may be issued prior to completion of required landscaping, provided the following criteria are met:
  - i. An applicant or property owner files a written request with the City prior to a final inspection;
  - ii. The request shall explain why factors either beyond the applicant's control, or which would create a significant hardship, prevent the installation of the required landscaping prior to issuance of the CO;
  - iii. The property owner has demonstrated a good faith effort to complete all required landscaping;
  - iv. The applicant files a performance security in the form of an assignment of savings with the Department in an amount equal to 150 percent of the cost of completing the landscaping work or, for senior high schools in Public zones, the applicant provides proof of an executed contract for such work with an agreed schedule for completion;
  - v. The applicant files a consent to access form signed by the property owner allowing a City-hired landscaping contractor access to the property to complete the landscaping work in the event of a default by the applicant.
- e. The time period extension for completion of the landscaping shall not exceed 90 days after issuance of a Temporary Certificate of Occupancy except that the Director may grant an extension to senior high schools in Public zones where the applicant submits proof of hardship.
- f. Failure to complete landscape installation by an established 90-day extension date shall constitute cause for retrieval of funds by the City from the assigned savings account in order to have the landscaping completed by a City-hired landscaping contractor.

## 2. Maintenance.

- a. Continual maintenance of planted areas shall be the responsibility of the property owner.
- b. All portions of any irrigation system shall be continuously maintained in a working condition.
- c. The property owner shall also maintain all other aspects of landscaped areas including the removal of trash and debris.

I. Landscape Modification Provisions. The following alternative landscape options may be allowed, subject to approval by the Director, if they accomplish equal or better levels of screening and if they provide an equal or better visual result:

1. The width of the perimeter landscape strip may be reduced up to 25 percent along any portion where:
  - a. Berms at least three feet in height or architectural barriers at least six feet in height are incorporated into the landscape design; and
  - b. The landscape materials are incorporated elsewhere on site;
2. When an existing structure precludes installation of the total amount of required site perimeter landscaping, such landscaping material shall be incorporated on another portion of the site;
3. The width of any required perimeter landscaping may be averaged along any individual property line, provided the minimum width is not less than five feet and the landscape area and materials are incorporated elsewhere on site;
4. The width of the perimeter landscaping may be reduced up to 10 percent when a development retains 10 percent of significant trees or 10 significant trees per acre on site, whichever is greater;
5. The landscaping requirement may be modified when existing conditions on or adjacent to the site, such as significant topographic differences, vegetation, structures or utilities, would render application of this chapter ineffective or result in scenic view obstruction.

J. Tree Retention and Replacement.

1. Purpose. The purpose of this subsection is to preserve and enhance the valuable natural resources and aesthetic character and image of Maple Valley. The intent is to provide incentives for retaining existing trees, to discourage unnecessary clearing and disturbance of land, and to maintain tree-lined corridors along the major arterials.

## 2. Definitions.

- a. "Coverage" is defined as the ratio of the dripline area to the lot area expressed as a percentage.
- b. "Dripline area" is the area under the outermost circumference of branches of the tree.
- c. "Landmark significant tree" is defined as any significant tree other than alder or cottonwood that is (i) at least 24 inches in diameter at four and one-half feet from grade, or (ii) of specimen quality, i.e., large, well shaped, and healthy for the species.
- d. "Large nursery stock" is defined as commercially grown material available at the time of planting that is required to be moved by hydraulic spade and is a minimum size of at least four inches in diameter measured four and one-half feet above grade.
- e. "Live crown ratio" is the proportion of length of main stem supporting live branches to the height of the tree.
- f. "Planted significant tree" is defined as any of a number of species of trees, defined herein, planted in a landscaping area of sufficient size to support a trunk size at maturity growth of at least 12 inches in diameter following the minimum standards for planted significant trees in this section.
- g. "Qualified professional" is defined as an individual who through any combination of knowledge, experience, education, and training demonstrates a professional level of understanding in tree care, arboricultural sciences and urban forestry. Qualified professionals must possess the ability to evaluate the health and hazard potential of existing trees, and the ability to prescribe appropriate measures necessary for the preservation of trees during land development. Qualified professionals may include licensed landscape architects, certified consulting arborists, certified arborists, and certified foresters.
- h. "Retained significant tree" is defined as an existing significant tree that is designated for retention in a Tree Preservation and/or Protection Plan and used for demonstrating compliance with canopy coverage requirements or incentives.
- i. "Retained tree" is defined as an existing tree designated for retention, excluding cottonwood and alders, that is less than 12 inches in diameter measured four and one-half feet above grade, but greater than six feet tall if evergreen, or two inches in diameter if deciduous, and located in a landscaping area of sufficient size to support a trunk size at maturity growth of at least 12

inches in diameter following the minimum standards for planted significant trees in this section. Retained trees must have a live crown ratio of greater than or equal to 50 percent.

j. “Significant tree” is defined as an existing evergreen or deciduous tree, excluding cottonwoods and alders, that is at least 12 inches in diameter measured four and one-half feet above grade and in good health.

k. “Tree Protection Area (TPA)” is land area set aside with limitations running with the title of the land that prevent activities that will damage the tree or trees within that area.

3. Applicability. There shall be no cutting of significant trees – retained, planted, or landmark – without prior authorization from the Director of Community Development unless specifically exempted herein. The provisions of this section apply to all new developments, subdivisions, site redevelopments, or clearing and grading activity on sites two or more acres in size. Development or installation of utilities and other public facilities also is subject to these provisions whether on private or public property or public right-of-way. The requirements and regulations pertaining to trees located in critical areas and related buffers shall be subject to the requirements for protection of critical areas contained in Chapter [18.60](#) MVMC.

4. Permits Required. Unless specifically exempted herein, application for and prior approval of a Clearing and Grading Permit is required for cutting or removal of any significant tree. To the extent possible, review of a Clearing and Grading Permit shall be integrated into review of any other permit or land use approval required for a proposal, in order to minimize review time required for conformance with this subsection (J).

5. Exemptions. The provisions of this section shall not apply to the following circumstances:

a. Cutting or removal of significant trees on existing single-family lots of two acres or less, provided such trees are not subject to a Tree Retention Plan or Tree Protection Area;

b. Removal of any tree with obvious flaws or disease, or one that is judged to be hazardous by a qualified professional at the owner’s expense;

c. Removal of any tree during an emergency. No limitation on tree removal shall exist during storm conditions when imminent danger exists from trees falling on structures, children’s play areas, or where clear hazard to life is apparent;

d. On existing single-family lots: removal of any existing tree judged to be a hazard or any tree within one and one-half tree lengths of an existing or

proposed permitted building on site. A planted significant tree may be required by the Director as a replacement.

6. Timber Management under Forest Practices Act. Applicants for Forest Practice Permits (Class IV – General Permit) for the conversion of forested sites to developed sites are also required to apply for appropriate permits through the City, and are subject to the provisions of this subsection (J). For all other Forest Practice Permits (Class II, III, or IV – Special Permit) issued by the DNR for the purpose of commercial timber operations, no Clearing and Grading Permit application is required, but no Development Permits will be issued for six years following tree removal under such DNR permit.

7. Application Requires Tree Retention Plan. All development or redevelopment proposals subject to this section that are not specifically exempt shall include a Tree Retention Plan at the time of application for any required Development Permit. Preparation and submittal of the Plan shall conform to specifications provided by the Director. Tree Retention Plans may be prepared by a qualified professional. An owner may submit for a Clearing and Grading Permit without having a qualified professional prepare a significant Tree Retention Plan, provided the Plan clearly locates the trees and provides sufficient information for City staff to review the proposal as determined by the Director. The Tree Retention Plan shall analyze:

- a. The number of trees and canopy coverage calculation of trees existing on the site;
- b. The location and species type of existing significant trees or clusters of trees within and adjacent to the proposed area to be cleared and/or graded, including utility corridors;
- c. The species type, size, location, and spot elevation at the base of any landmark tree within the site, unless the requirement is waived by the Director;
- d. Critical areas; and
- e. Areas not proposed for clearing or grading, provided such areas do not require a specific survey location of trees.

8. Canopy Coverage Calculation Requirements and Tree Retention Guidelines.

- a. A canopy coverage calculation shall be prepared by the applicant for the proposal. The canopy coverage calculation may be merged with the Tree Retention Plan and/or landscaping plan for the proposal. The canopy coverage calculation shall show retention and planting of trees at mature canopy coverage of the total site area to equal or exceed: 10 percent for commercial developments within the TC, NB, REC and RLTC zones meeting the landscape requirements contained in subsection (F) of this section, 10 percent

for senior high schools in Public zones meeting the landscape requirements contained in subsection (F) of this section, and 10 percent for all other developments, calculated as follows:

- i. Retained landmark trees shall be calculated at 1,650 square feet each, regardless of canopy coverage or dripline area, or as marked in the field and measured by the proponent;
- ii. Retained significant trees shall be calculated at 1,100 square feet each, regardless of canopy coverage or dripline area, or as marked in the field and measured by the proponent;
- iii. Retained trees shall be calculated at 900 square feet each, regardless of canopy coverage or dripline area;
- iv. Planted significant trees meeting the minimum planting standard (subsections (J)(19)(b) and (c) of this section) shall be calculated at 300 square feet each;
- v. Planted significant trees exceeding the minimum planting standard (subsections (J)(19)(b) and (c) of this section) by 50 percent shall be calculated at 550 square feet each; and
- vi. Planted significant trees meeting the definition of large nursery stock and exceeding the minimum planting standard (subsections (J)(19)(b) and (c) of this section) by 100 percent shall be calculated at 750 square feet each.

b. For the purposes of meeting the minimum required canopy coverage calculation, trees shall be retained pursuant to the following unranked guidelines, except where determined to be exempt or to constitute a hazard by a qualified professional pursuant to subsection (J)(5) of this section:

- i. All trees within critical areas or critical area buffers;
- ii. Landmark significant trees, unless a 15 percent canopy coverage calculation is achieved;
- iii. Retained trees within the required perimeter landscape buffer width or building setback, whichever is greater;
- iv. Retained trees inside the site within an area no less than 20 feet of the right-of-way line of Maple Valley Highway SR-169, Kent-Kangley Road SR-516, and Witte Road arterial corridors except for site access requirements;

v. Trees within required open space; and

vi. For subdivisions during site development, all trees that are not within cut or fill areas, parking areas or streets, utility corridors, site development requirements imposed by the City, or 20 feet distant of any proposed structure, except that trees retained in single-family lots created by subdivision of property into more than four lots shall not be counted for purposes of meeting required tree canopy coverage.

c. Where demonstrated that a site cannot achieve the minimum canopy coverage through retention pursuant to subsection (J)(8)(b) of this section, planted significant trees may be utilized in Tree Protection Areas pursuant to the following guidelines in order of preference where applicable:

i. Inside the site within a distance of 20 feet or greater of the right-of-way line of Maple Valley Highway SR-169, Kent-Kangley Road SR-516, and Witte Road arterial corridors except for site access requirements. At least 25 percent of replanted trees along these arterial corridors must consist of evergreen trees with a height of 10 to 12 feet or deciduous trees with a three-inch caliper;

ii. Within required perimeter buffers or setback areas;

iii. Within designated recreation and/or open space areas;

iv. Within critical areas or critical area buffers; and

v. Any other locations within the development site, except that trees planted in single-family lots created by subdivision of property into more than four lots shall not be counted for purposes of meeting required tree canopy coverage.

9. Incentive for Retention of Existing Trees and Increased Canopy Coverage. For development proposals subject to tree retention requirements in any zone, and where the proposal contains greater than 15 percent canopy coverage by retained existing trees; provided, that trees retained in protected critical areas or related buffers may not apply towards the required percentages, the following incentives are available individually or in combination:

a. For any retained landmark tree, the actual dripline area of the tree may be credited toward open space or recreational space requirements irrespective of tree location; or

b. For retained significant trees in excess of 15 percent canopy coverage, one additional dwelling unit is permitted for each additional 10 retained significant trees on the total site; or

c. Additional building height of 10 feet is permitted up to a maximum height of 45 feet; provided, trees must be retained proximate to the proposed building location(s).

d. If any tree that is saved in conjunction with these bonus provisions is lost in the future for whatever reason, it shall be replaced with large nursery stock approved by the Director.

10. Phased Development Plans. For redevelopment and/or phased new development sites, the Director may approve a partial Tree Retention Plan that is applicable only to a phase of development or redevelopment. A Plan based on phased development does not require a full amount of required trees per acre for each phase individually, provided the Plan for the entire development or proposal meets, or will meet, requirements; provided, however, no incentives may be approved for early phases of construction that rely on trees to be retained in future phases unless the significant Tree Retention Plan is recorded such that future phases are bound by the Plan.

11. Alternative Landscape Option. At the Director's sole discretion, the Director may approve an alternative landscape option for a high-quality landscape design containing native and ornamental species of landscape materials on sites where the proponent demonstrates to the satisfaction of the Director that planting trees at the required canopy coverage would not be feasible given the proposed use of the property, and/or would require planting at a density that would probably require removal of trees in the future due to the ultimate size of required species.

a. The proponent must show that the alternative landscape plan is of a better quality compared to a plan that would meet the requirements in the above subsections, and retains significant trees or provides planted significant trees in accordance with the following:

i. Existing trees in critical areas and critical area buffers must be retained and/or augmented with trees as appropriate;

ii. Existing trees in required perimeter landscape buffers must be preserved;

iii. Street trees are provided on streets adjacent to the site;

iv. Perimeter buffer areas without existing significant trees include planted significant trees;

v. Significant trees are provided around any open stormwater detention or pollution control ponding or swale areas;

- vi. Significant tree equivalents are provided internally to parking lot areas;
- vii. Significant trees are planted adjacent to the structure(s);
- viii. Street trees are planted within the development; and
- ix. Street trees are planted in cul-de-sac islands as applicable.

b. Alternative landscape plans must emphasize native plant material and large-scale shrub and small tree species, such as vine maple, as well as ornamental material appropriate and complementary to the proposed use of the site.

## 12. Utility and Street Easements and Rights-of-Way.

a. For installation or maintenance of major overhead and major underground utilities, such as electrical transmission lines, water or sewer mains or stormwater lines, no tree retention or planting requirements shall be imposed within the easement or right-of-way area.

b. For installation or maintenance of minor overhead and underground utilities, including overhead power distribution lines, water or sewer mains, or stormwater lines, no number of trees per acre of land shall apply for the easement or right-of-way area; provided, however, for each significant tree removed due to installation or maintenance of lines, one planted significant tree is required. The Director shall give consideration to the approval of planted species so as not to create future conflicts with the overhead or underground utilities.

c. For private properties with easements for overhead utilities, no tree retention or significant tree equivalent planting requirements shall apply for the private land area affected by the utility easement.

d. For public and private road construction and maintenance within the right-of-way or grading easements, no tree retention requirement shall apply; provided, retained trees within and along the right-of-way of Maple Valley Highway SR-169, Kent-Kangley Road SR-516, and Witte Road arterial corridors shall be accommodated and provided as a requirement of the design engineering for and maintenance of the road.

13. Decision Criteria. The Director shall review the application for a Tree Retention Plan and/or Clearing and Grading Permit and approve the permit, deny the permit, or approve the permit with conditions based on the following criteria:

- a. The site design implements the intent of this subsection (J); and

b. The Tree Retention Plan conforms to the specific requirements of this subsection (J); and

c. The proposal complies with and conforms to all standards and requirements of the underlying permit, if such permit is in addition to the Clearing and Grading Permit.

14. Tree Retention Plan Recording Required. For all nonexempt development and redevelopment sites (except for trees planted or retained within platted single-family residential lots), the Tree Retention Plan shall show Tree Protection Areas (TPAs). Upon approval of the Tree Retention Plan, the Plan shall be recorded together with the following restriction upon the land:

Trees indicated on this property within Tree Protection Areas are to be preserved for environmental, aesthetic, and other purposes. No activities are allowed within the Tree Protection Area that could damage or harm the tree, such as storage of material, disposal of drainage, or filling or grading. Tree removal, or site work or landscaping resulting in the loss of a tree, is subject to fines and tree replacement requirements by order of the City of Maple Valley.

15. Tree Retention Standards.

a. Site Design Standards.

i. To qualify as an existing retained tree, the critical root zone (CRZ), which may extend outside of the dripline of existing tree branches, shall be a no disturbance area where feasible. If determined to be infeasible, a minimum of two-thirds of the dripline area shall be a no disturbance area. Undisturbed areas shall not be impacted by grading, soil disturbance, impervious surfacing, storage of materials, or activity that may compact the soil surface, such as pedestrian use.

ii. Any work within the one-third of the dripline area shall be planned to be done by hand and by methods least disruptive to the tree.

iii. For retained trees where the grade in the vicinity of the tree will be either raised or lowered such that surface or subsurface water flow to the tree will be altered, specific provisions for additional irrigation or drainage shall be included in the tree protection notes and details.

iv. Tree retention details, including protection notes and fencing or staking installation details, shall be included on the applicable site development plans, and reviewed and approved by the Director prior to approval of the Tree Retention Plan.

b. Construction Standards.

- i. Tree protection details, dripline fencing, and no disturbance areas shall be part of all construction plans issued for permit.
- ii. All dripline areas of retained trees shall be located in the field and confirmed by a City Inspector prior to commencement of construction.
- iii. Work within dripline areas specifically authorized by approved construction plans shall be done separately from mechanized mass clearing and grading of the site and shall be fenced to exclude the area from mechanized clearing or grading. Methods for work within such areas shall be detailed on the clearing and grading plans, civil engineering plans, utility plans and landscape plans as may be needed to clarify the methods and responsibilities for construction within the dripline area.
- iv. Tree protection areas shall be fenced prior to construction with orange plastic mesh fencing or approved equivalent.

16. Maintenance Standards. Maintenance in the form of irrigation, fertilization, clearing of vines and other requirements necessary to assure survival of the retained and planted significant trees is required on the private property in perpetuity. The City may inspect and order maintenance at any time. The property owner is responsible for the replacement of any required trees or approved landscape material due to loss or disease after an initial maintenance period of one year. The developer is responsible for replacement of any dead or dying material within the initial maintenance period of one year or until released. An assurance device for the initial maintenance period is required in one of the following forms:

- a. A signed maintenance contract for a minimum period of one year from the time of occupancy that includes replacement of any dead or dying material observed at the end of one year; or
- b. A maintenance security in the form of an assigned savings deposit statement from a financial institution in the amount of 20 percent of the landscape installation contract. The security device shall state it may be released after one year only by the City after inspection of the site and replacement of materials as ordered.

17. Contractor Requirements. The contractor shall sign a statement on the significant Tree Retention Plan acknowledging the requirements of the plan prior to commencement of construction. Proof of signature shall be shown to the City at or before the preconstruction meeting. The acknowledgement statement shall provide that the contractor is aware of the tree preservation and retention requirements shown on the plans and in this subsection (J); that it is the responsibility of the contractor to preserve the trees if field conditions show additional measures to

assure the survival of the trees may be necessary and to alert the City Inspector to those conditions; and that the contractor is jointly responsible with the developer for any restitution required due to damage to or loss of trees as a result of the construction activities.

18. Preconstruction Meeting. Prior to the commencement of any permitted clearing and grading activity, a preconstruction meeting with the City Inspector shall be held on site with the permittee and contractor. The project site shall be marked in the field as follows:

- a. Limits of clearing and grading;
- b. Location of tree protection fencing;
- c. Delineation of any critical areas and critical area buffers;
- d. Individual trees to be retained;
- e. Property lines.

19. Planting Standards.

a. Planted significant trees shall be a mix of species approved by the Director for the specific application or proposal. A minimum of 60 percent of the planted significant trees shall be native evergreen coniferous species. Species allowable for planting significant trees shall be selected from the following two lists at a ratio of no less than 70 percent from List 1, and no more than 30 percent from List 2, or as approved by the Director:

List 1:

Western Red Cedar (native evergreen coniferous)

Douglas Fir (native evergreen coniferous)

Western Hemlock (native evergreen coniferous)

Alaskan Yellow Cedar

Port Orford Cedar (native evergreen coniferous)

Norway Spruce

Sitka Spruce (native evergreen coniferous)

Incense Cedar (native evergreen coniferous)  
Lodgepole Pine (native evergreen coniferous)  
Ponderosa Pine (native evergreen coniferous)  
Western White Pine (native evergreen coniferous)  
Giant Sequoia (native evergreen coniferous)  
Big Leaf Maple  
Red Maple, both rounded and columnar forms  
Other native species as approved by the Director

List 2:

Birch “Jacquemontii”

Sweetgum

Honeylocust

Hornbeam

Marshal Seedless Ash

Summit Ash

Flowering Pear

Pin Oak

Other nonnative ornamental species as approved by the Director

b. Evergreen coniferous trees shall be six feet in height from the top of the root ball, and balled and burlapped in healthy condition at time of planting. Alternatively, trees that are four or more inches in diameter measured at four and one-half feet from planting grade may be transplanted from on site; provided, that an approved method directed by a qualified professional is used. Pruned or sheared evergreen trees intended for Christmas tree use are not acceptable if the leader has been cut.

c. Deciduous trees, evergreen broadleaved trees, or deciduous coniferous trees shall be a minimum two inches in diameter measured four feet above planting ground level, and with the lowest branch no lower than four feet from grade.

d. Staking, soil amendments, and planting details shall be specified by a qualified professional.

e. Planting areas and no disturbance areas shall be free from structures or impervious surfaces a minimum of seven feet in radius from the point the tree is planted, or as designed by a qualified professional to support a minimum size at maturity of 12 inches of trunk diameter measured four and one-half feet above planting ground level. Such designs shall contain a statement signed by the designer estimating the mature size of the tree in the planter area provided.

20. Loss and Replacement. Loss of any retained tree due to wind, disease, or other natural causes, or illegal removal shall be replaced by one or several trees per planting standard calculations set forth in MVMC 18.40.120.J.8.a. For purposes of replacement, the lost tree shall be counted as a “retained” tree. Replacement trees must equal the canopy lost, with the exception of street trees which shall be planted at a one to one ratio. ~~one planted significant tree.~~ Damage to a retained landmark tree shall be documented by a qualified professional at the expense of the owner, and the recommendations of the qualified professional regarding repair or replacement shall be followed. The existing planting area may be used if the tree is replaced in the same location. If the tree is relocated, the standards for a planted significant tree shall be followed and the Tree Retention Plan modified accordingly.

21. Enforcement. Any violation of this chapter shall be enforced through Title 4 of the Maple Valley Municipal Code entitled “Code Compliance.” ~~the City of Maple Valley Enforcement Code, which is represented by King County Code Title 23 adopted by reference by the City of Maple Valley.~~ In addition to any applicable penalties set forth in Title 4, KCC 23.32.010, and in addition to any required planting or mitigation, the penalty for the removal of any tree in violation of this chapter shall be as follows: up to \$1,000 per tree in addition to any required planting or mitigation. ~~Nothing herein shall preclude the City from seeking redress, including abatement and the cost thereof, through any lawful means, including the initiation of any suit in law or in equity, and the City shall be entitled to recover all reasonable costs and attorney’s fees incurred as a result of bringing such action.~~

a. Criminal. A violation of this chapter shall be considered a criminal misdemeanor, punishable up to 90 days in jail and a \$1,000 fine.

b. Civil. Tree diameter should be measured at four and one-half feet above grade. If no tree above grade remains, the tree diameter shall be measured at ground level. If no stump remains, the tree diameter will be determined by the Director based on best available information such as aerials, photographs and adjacent trees.

i. \$1,000 per tree, equal to or less than three inches in diameter.

ii. For trees greater than three inches in diameter, \$1,500 per inch in addition to \$1,000 calculated for the first three inches.

iii. Fines for trees removed in critical areas, public parks and street trees shall be three times the fines listed above in i. and ii.

Nothing herein shall preclude the City from seeking redress, including abatement and the cost thereof, through any lawful means, including the initiation of any suit in law or in equity, and the City shall be entitled to recover all reasonable costs and attorney's fees incurred as a result of bringing such action.

#### K. Stormwater Pond Landscaping Standards.

1. Purpose. The purpose of this standard is to improve water quality for the protection of endangered species and reduce maintenance costs for stormwater facilities located in residential developments and make them attractive amenities within the neighborhood and the City.

2. Applicability. These provisions shall apply to all development applications within the City, with the exception of individual single-family residential.

3. Landscape Plan Approval. A landscape design professional (landscape architect, certified landscaper, certified nursery professional, etc.), certified or registered by the State of Washington, shall prepare required landscape plans.

4. Maintenance of the landscaping in the drainage facility shall be the responsibility of the developer or homeowners' association for two years following facility acceptance by the City of Maple Valley. This includes but is not limited to watering, maintenance, replacement and grooming of all plantings. (Ord. O-16-598 § 1(B) (Exh. B); Ord. O-14-564 § 6 (Exh. A); Ord. O-12-499 § 8; Ord. O-12-492 § 5; Ord. O-12-490 § 8; Ord. O-11-440 § 3; Ord. O-10-415 § 5; Ord. O-06-328 § 3; Ord. O-02-198 § 1; Ord. O-00-143 § 1; Ord. O-99-109 § 1).

**Section 2. Severability.** If any section, subsection, clause, sentence, or phrase of this ordinance should be held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

**Section 3. Effective Date.** This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

**Section 4. Corrections by City Clerk or Code Reviser.** Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

ADOPTED BY THE CITY COUNCIL AT A MEETING THEREOF ON THE 14<sup>TH</sup> DAY OF SEPTEMBER 2020.

CITY OF MAPLE VALLEY

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Sean P. Kelly, Mayor

ATTEST/AUTHENTICATED:

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Shaunna Lee-Rice, City Clerk

APPROVED AS TO FORM:

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Patricia Taraday, City Attorney

Date of Publication: September 18, 2020

Effective Date: September 22, 2020