

## **ORDINANCE NO. 2093-24**

### **AN ORDINANCE OF THE CITY OF SEDRO-WOOLLEY, WASHINGTON, ADOPTING AMENDMENTS TO CHAPTERS 12.40 AND 17.50 SWMC TO UPDATE STREET TREE REGULATIONS**

WHEREAS, currently, Chapters 12.40 and 17.50 SWMC establish regulations for street trees and landscaping, respectively; and

WHEREAS, the City supports preservation of the natural environment, community character, and high standards of appearance in areas with increased public visibility; and

WHEREAS, the City supports protection of critical utility infrastructure from vegetation encroachment, including but not limited to both overheard and underground power, water, sewage, gas, and telecommunication lines; and

WHEREAS, the City possesses an obligation to protect public safety and property from trees located in the public right-of-way that may create nuisance conditions; and

WHEREAS, the Planning Commission discussed amendments to Chapters 12.40 and 17.50 SWMC to update street tree regulations at its April 16 and May 21, 2024 meetings; and

WHEREAS, the Planning Commission held a public hearing on this matter during the May 21, 2024 meeting. At that meeting, the Commission reviewed the draft amendments, and, following a public hearing, tasked Planning staff with additional revisions to correct discrepancies between Chapter 12.40 SWMC, Chapter 17.50 SWMC, and the Public Works Department Standards; and

WHEREAS, following the May 21, 2024, public hearing, the Planning Commission pursued further discussion during the July 16, and September 17, 2024, Planning Commission meetings. These discussions primarily regarded the process of identification of nuisance street trees and the removal process for when a tree in the public right-of-way is identified as a nuisance; and

WHEREAS, the Planning Commission held a public hearing on this matter during the September 17, 2024 meeting. At that meeting, the Commission reviewed the draft amendments, and, following a public hearing, tasked Planning staff with additional revisions to clearly outline the notification and removal process for nuisance trees; and

WHEREAS, following the September 17, 2024, public hearing, the Planning Commission pursued further discussion during the October 15 and November 19, 2024, Planning Commission meetings. These discussions were held to ensure consistency with other nuisance procedures adopted by the City in Title 18 “Code Enforcement” SWMC; and

WHEREAS, the Planning Commission held a public hearing on this matter during the November 19, 2024 meeting. At the meeting, the Commission reviewed the draft amendments, and, following a public hearing, passed a motion to recommend approval of the draft amendments presented at the November 19, 2024, Planning Commission meeting to City Council, with the condition that the final proposed sentence of Section 12.40.080 SWMC be removed from the proposed amendments; and

WHEREAS, Planning Staff received two comment letters on December 17, 2024 from the Washington Department of Fish and Wildlife (WDFW) and the Washington State Department of Transportation

(WSDOT) regarding the recommended amendments. Planning Staff reviewed the concerns raised in the letters and responded to the agency feedback, proposing changes under the scope of this Ordinance that would address said concerns. The proposed changes were implemented to ensure alignment with the recommendations of WDFW and WSDOT while maintaining the City's objectives; and

WHEREAS, pursuant to RCW 36.70A.106, a notice of intent to adopt amendments to the city development regulations was sent to the Washington State Department of Commerce on December 5, 2024. A 15-day expedited review was requested and granted by Commerce. The comment period ended December 19, 2024; and

WHEREAS, the proposed changes are supported by and implement the Comprehensive Plan; and

WHEREAS, environmental review of the amendments has been completed and a Determination of Non-Significance was issued December 5, 2024; and

WHEREAS, the proposed ordinance is in the best interest of City of Sedro-Woolley citizens and promotes the health, safety, and welfare of the citizens of the City of Sedro-Woolley; and

WHEREAS, the City Council adopts the foregoing as its findings of fact justifying its adoption of this Ordinance; now, therefore,

THE CITY COUNCIL OF THE CITY OF SEDRO-WOOLLEY, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

**Section 1.** Chapters 12.40 and 17.50 SWMC are hereby amended as follows:

**Chapter 12.40  
TREE STANDARDS**

Sections:

- 12.40.010 Purpose.**
- 12.40.020 Definitions.**
- 12.40.030 Permission to plant trees.**
- 12.40.040 Utility right-of-way.**
- 12.40.050 Removal of trees and shrubs.**
- 12.40.060 Trimming overhanging trees—Duty of property owner.**
- 12.40.070 Clear vision area.**
- 12.40.080 Care and disposition of existing trees.**
- 12.40.090 Short plats, subdivisions and planned unit development—Tree planting in rights-of-way.**
- 12.40.100 Prohibited trees.**
- 12.40.110 Recommended trees.**
- 12.40.120 Planting Standards**
- 12.40.120130 Inspection and appeal.**
- 12.40.130140 Reserved rights.**

**12.40.010 Purpose.**

It is hereby declared that the preservation and development of the beauty of nature is essential to the progress and growth of the city. It is the policy of the city to plant and maintain, and to encourage the planting and maintenance of, desirable trees and other plantings to enhance the beauty of the community

for the health, welfare and safety of its citizens. The council has become concerned with the proper selection, location and care of trees planted in plantingparking strips, other public places and adjacent areas, and has studied ways to eliminate problems connected with adequate street illumination, safety to the community, preservation of public utilities, and providing the greatest aesthetic value to the city. The ordinance codified in this chapter is adopted for the purpose of establishing rules and regulations relating to the planting, care and maintenance of such trees. (Ord. [1382-00](#) § 1, 2000)

#### **12.40.020 Definitions.**

As used in this chapter, the following words and phrases shall have the meanings ascribed to them:

A. “Owner” means the legal owner of real property fronting or abutting on any property of the city and any lessees of such owner, including fee owner and holder of a purchaser’s interest in a real estate contract.

~~B. “Parking strip” means that part of the public street or avenue, or right of way not covered by sidewalks, lying between the property line and the curb or that portion of the street or avenue being used for vehicular traffic.~~

~~B. “Planting strip” means that part of the public right-of-way lying between the sidewalk and back of curb, or lying between the sidewalk and the adjacent property boundary, which contains ground cover supportive of plant material.~~

C. “Public property” means all roads, streets, avenues, alleys, public rights-of-way, tree lawns, plantingparking strips or any public property or portion thereof of the city.

~~D. “Tree topping” means a removing large amounts of leaves and branches from a tree’s crown reducing the tree’s size. This practice removes large amounts of energy-converting leaves from the tree, forcing the tree to tap energy reserves to replace lost foliage, resulting in a weakened tree that is more susceptible to attack by pests and disease.~~ (Ord. [1382-00](#) § 2, 2000)

#### **12.40.030 Permission to plant trees.**

All trees, shrubs and plants planted in any public place or right-of-way shall be with prior permission of the city and in accordance with the provisions of this chapter. No tree shall be planted in any plantingparking strip or public property less than fivefour feet wide. No tree shall be planted closer to any curb or sidewalk than the following: small trees, two feet; medium trees, three feet; and large trees, four feet. On streets that do not have curbs and/or sidewalks or planters, the city shall approve the location of new trees consistent with street and sidewalk standards. No tree shall be planted within twenty feet of another tree or within twenty-five feet of a street light or intersection. No street tree shall be planted closer than twenty feet from any fire hydrant. Trees planted under utility lines shall not exceed a maximum mature height of twenty five feet. Only No street tree other than small and medium trees may be planted under or within ten lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, transmission line, or other utility, provided the trees’ mature height is less than or equal to twenty feet. (Ord. [1382-00](#) § 3, 2000)

Tree Size	Small, Narrow	Medium	Large
Minimum Planting Strip Width	5 feet	7 feet	10 feet
Average Tree Spacing	20 feet	30 feet	40 feet
Minimum Tree Setback from Vehicular traffic	2 feet from back of curb	3 feet from back of curb	4 feet from back of curb
Minimum Vertical Sidewalk Clearance	8 feet	8 feet	8 feet
Minimum Vertical Road Clearance	14 feet	14 feet	14 feet
Maximum Tree Height within 10 feet of an Overhead Utility	20 feet	20 feet	<i>Large trees prohibited</i>

Maximum Tree Height within 5 feet of an Underground Utility	20 feet	20 feet	<i>Large trees prohibited</i>
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#### **12.40.040 Utility right-of-way.**

Notwithstanding any other provision of this chapter, all trees shall be placed and maintained in such a manner as not to interfere with any utility franchise, license or right-of-way granted, or to be granted, by the city. (Ord. [1382-00](#) § 4, 2000)

#### **12.40.050 Removal of trees and shrubs.**

The stumps and roots of trees or shrubs removed under the authority of this chapter shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground. The remaining roots shall be treated with a suitable compound to prevent future sprouting or growth. Roots from trees planted on public property or adjacent private property, which have disrupted or broken the adjacent street surface, sidewalk or curb, shall be repaired at the adjacent property owner's expense. (Ord. [1382-00](#) § 5, 2000)

#### **12.40.060 Trimming overhanging trees—Duty of property owner.**

All property owners within the corporate limits of the city shall, at their own expense, keep all trees, brush and other foliage from projecting out over the public streets and sidewalks and alleys so as not to interfere, in any way, with the use of street construction, utility franchises right-of-way and license, and cleaning equipment, nor shall the same interfere with sidewalk traffic or create a hazardous situation insofar as the same obstructs the view of motorists using the public streets. (Ord. [1382-00](#) § 5, 2000)

It shall be the responsibility of the adjacent property owner of the sidewalk to regularly trim street trees off the sidewalk to provide a vertical clearance of eight feet above the surface so as not to constitute a hazard or impediment to the progress or vision of anyone traveling on public property. Tree topping, as defined in this section, is strictly prohibited.

#### **12.40.070 Clear vision area.**

A clear vision area shall be maintained on the corners of all property adjacent to the intersection of two streets or of a street and a private drive or street, alley or railroad. A clear vision area shall contain no planting, fence or other temporary or permanent obstruction exceeding three feet in height, measured from the top of the curb, or where no curb exists, from the established centerline grade of the street. Taller trees may be permitted if all branches and foliage to a height of eight feet above the top of the curb or sidewalk and fourteen feet above the street are removed. No tree shall be planted closer than twenty feet from any public or private street corner, measured from the nearest intersection curb or curbline. ~~No street tree shall be planted closer than twenty feet from any fire hydrant.~~ (Ord. [1382-00](#) § 6, 2000)

#### **12.40.080 Care and disposition of existing trees.**

Any hazardous or nuisance trees in existence on the effective date of the ordinance codified in this chapter shall be removed or rectified by the property owner. The city may remove, or cause to be removed, at the expense of the abutting land owner, a tree or part of a tree which is in an unsafe condition or constitutes a public nuisance, or which by reason of its nature is injurious to utilities, sidewalks, capital facilities, or other public improvements, or which otherwise satisfies the criteria of types of nuisances as defined in 8.16.020 SWMC. If a hazardous or nuisance tree is not deemed an immediate danger to public safety or property, the city may require a report conducted by a certified arborist be submitted to the Public Works Department to determine whether such tree shall be removed and by what means. Hazardous or nuisance trees deemed immediately dangerous to public safety or property shall be removed at the expense of the abutting land owner. The final decision to remove a hazardous or nuisance tree shall be made by the Public Works Director. The city may, but is not required, to contribute to the cost of removal and replanting by payment or in-kind services. Street trees planted in Washington State

Department of Transportation (WSDOT) right-of-way are subject to WSDOT removal and replacement policies. (Ord. [1382-00](#) § 7, 2000)

#### **12.40.090 Short plats, subdivisions and planned ~~unit~~ residential development—Tree planting in rights-of-way.**

Other than distances noted above from street corners and utilities, developers of short plats, subdivisions and P~~R~~UDs are required to plant trees in planting~~parking~~ strips per the following requirements: Small ~~T~~rees shall be planted every twenty feet on average ~~(at a minimum depending on the size of the tree)~~, medium trees every thirty feet on average, and large trees every forty feet on average, with ground cover or shrubs to be used liberally. In the instance of commercial or industrial planned unit development adjacent to residentially zoned property, trees must be planted a maximum of fifteen feet on-center and in conformance with the remainder of the landscaping requirements established in Section [17.50.080](#) of the Sedro-Woolley Municipal Code. (Ord. [1382-00](#) § 8, 2000)

#### **12.40.100 Prohibited trees.**

Street trees must not become a nuisance or be a disruption to city infrastructure or public safety and general welfare. It is unlawful to plant in or on any planting~~parking~~ strip or other public property, the following kinds of trees: Poplar, Willow, Cottonwood, fruit-bearing or nut-bearing, Elkhorn, Mountain Ash, Oregon or Big-Leaf Maple. (Ord. [1382-00](#) § 9, 2000)

#### **12.40.110 Recommended trees.**

Trees appropriate under overhead utility lines shall be no taller than twenty feet at maximum height. Recommended trees that meet this requirement are identified below with “UT” (i.e. utility tree).

A. Small, or narrow street trees (minimum average spacing: twenty feet, minimum planting strip width: five feet, minimum tree setback from vehicular traffic: two feet from back of curb):

1. Ash (flowering ash);
2. Flowering Cherry (nonfruit bearing);
3. Laurel (California Laurel);
4. Magnolia (Evergreen magnolia);
5. Myrtle (Oregon myrtle);
6. Oak (Holly oak);
1. American Hornbeam (UT);
2. American Smoke Tree (UT);
3. Ash (Flowering ash);
4. Dogwood (Eddie’s White Wonder dogwood [UT], Pacific dogwood [UT]);
5. Dove-tree;
6. Magnolia (Little Gem magnolia [UT]);
7. Maple (Bigtooth maple, Buckeye maple [UT], Burgundy Lace Japanese maple [UT], David’s maple, Paperbark maple [UT], Rocky Mountain maple [UT], Three Flower maple [UT], Trident maple [UT], Vine maple [UT]);
8. Myrtle (Sarah’s Favorite Crape myrtle [UT]);
9. Oak (Crimson Spire oak);
10. Redbud (Oklahoma redbud) (UT);
11. Sourwood;
12. Washington Hawthorn (UT).

B. Medium Size Street Trees (minimum average spacing: thirty feet, minimum planting strip width: seven feet, minimum tree setback from vehicular traffic: three feet from back of curb):

1. Ash (Flame, Golden Desert, etc.);
2. Beech (Rivers Purple beech);
3. Birch (Paper birch, River birch);
4. Crabapple (Flowering crabapple);

5. Gum (sweet gum);
6. Honey Locust;
7. Linden (Littleleaf linden);
8. Maple (Autumn Blaze, October Glory, Norwegian Sunset, Pacific Sunset, Autumn Flame, Hedge maple);
9. Maple (Red maple);
10. Maple (Sugar maple);
11. Oak (Scarlet oak, English oak);
12. Redwood (Dawn redwood);
13. Yellowwood;
14. Village green.
1. Ash (Flame, Golden Desert);
2. Beech (Rivers Purple beech);
3. Birch (Paper birch, River birch);
4. Crabapple (Flowering crabapple) (UT);
5. Ginkgo Biloba (*male species only*);
6. Laurel (California laurel);
7. Linden (Littleleaf linden);
8. Magnolia (Kobus magnolia);
9. Maple (Autumn Blaze, Autumn Flame, Hedge maple [UT], Norwegian Sunset, October Glory, Pacific Sunset, Red maple, Sugar maple);
10. Redbud (Eastern redbud [UT], Forest Pansy redbud [UT]);
11. Village Green Zelkova;
12. Yellowwood.

C. Large Boulevard Trees (minimum average spacing: forty feet, minimum planting strip width: ten feet, minimum tree setback from vehicular traffic: four feet from back of curb):

1. Beech (European beech, etc.);
2. Chestnuts (Chinese chestnuts, Ft. McNair Pink Horsechestnut);
3. Maidenhair tree;
4. Sycamore maple;
5. Oak (Red oaks);
6. Tulip tree.
1. Beech (European beech, etc.);
2. Chestnut (Chinese chestnut, Fort McNair Pink Horsechestnut);
3. Elm (American elm, Athena Classic elm, Frontier elm, Homestead elm) (*Dutch Elm Disease resistant species only*);
4. Linden (Silver linden);
5. Maple (Sycamore maple);
6. Oak (Chinkapin oak, Garry oak, Oregon White, Red oak, Scarlet oak);
7. Shawnee Brave Bald Cypress;
8. Sweet Gum;
9. Tulip Tree.

<b>Small, Narrow</b>	<b>Medium Sized</b>	<b>Large Boulevard</b>	<b>Trees Recommended beneath Overhead Utility Lines</b>	<b>Prohibited Street Trees</b>
American Hornbeam	Ash (Flame, Golden Desert)	Beech (European beech, etc.)	American Hornbeam	Big-Leaf Maple
American Smoke Tree	Beech (Rivers Purple beech)	Chestnuts (Chinese chestnuts, Ft. McNair Pink Horsechestnut)	American Smoke Tree	Cottonwood
Buckeye Maple	Birch (Paper birch, River birch)	Elm (American elm, Athena Classic elm, Frontier elm, Homestead elm) (Dutch Elm Disease resistant only)	Buckeye Maple	Elkhorn
Burgundy Lace Japanese Maple	Crabapple (flowering crabapple)	Gum (Sweet gum)	Burgundy Lace Japanese Maple	Fruit- or nut-bearing trees
Dogwood (Eddie's White Wonder dogwood, Pacific dogwood)	Ginkgo Biloba (male only)	Oak (Red oak, Oregon White, Chinkapin, Scarlet oak, Garry oak)	Crabapple (Flowering Crabapple)	Mountain Ash
Dove-Tree	Laurel (California Laurel)	Shawnee Brave Bald Cypress	Eastern Redbud	Oregon Maple
Flowering Ash	Linden (Littleleaf linden)	Silver Linden	Eddie's White Wonder Dogwood	Poplar
Little Gem Magnolia	Magnolia (Kobus Magnolia)	Sycamore maple	Forest Pansy Redbud	Willow
Maple (Bigtooth Maple, David's maple, Paperback maple, Rocky Mountain maple, Trident maple, Vine maple)	Maple (Autumn Blaze, October Glory, Norwegian Sunset, Pacific Sunset, Autumn Flame, Hedge maple, Red maple, Sugar maple)	Tulip Tree	Hedge Maple	
Oak (Crimson Spire oak)	Redbud (Eastern redbud, Forest Pansy redbud)		Little Gem Magnolia	
Oklahoma Redbud	Village Green Zelkova		Oklahoma Redbud	
Sarah's Favorite Crape Myrtle	Yellowwood		Pacific Dogwood	
Sourwood			Paperback Maple	
Three Flower Maple			Rocky Mountain Maple	
Washington Hawthorn			Sarah's Favorite Crape Myrtle	

			Three Flower Maple	
			Trident Maple	
			Vine Maple	
			Washington Hawthorn	

Adjacent property owners may recommend alternative tree species. The use of native tree species is strongly recommended. These trees will be subject to approval by the city following review of the recommended species. (Ord. [1382-00](#) § 10, 2000)

#### **12.40.120 Planting standards.**

- A. Street trees shall be planted in accordance with the standards of SWMC 17.50.070.
- B. Where street trees are planted in the planting strip of the public right-of-way and/or within five feet of an underground utility line, root barriers as required per the Public Works Department standards shall be installed to protect such infrastructure from future damage.

#### **12.40.130120 Inspection and appeal.**

- A. The city may inspect any tree upon or which overhangs any public property or lawn to determine whether the same or any portion thereof is in such a condition as to constitute a hazard or impediment to the progress or vision of anyone traveling on public property. Any tree or part thereof growing upon private or public property, but overhanging or interfering with the use of public property that endangers life, health, safety or property, or is otherwise in violation of this chapter, is hereby declared to be a public nuisance. The city shall by written notice require the adjacent property owner to abate the nuisance by trimming, destroying or removal, at the owner's cost and expense. The property owner shall have thirty days from the date of the notification of the nuisance to remove or trim the hazardous or nuisance tree. If the adjacent property owner does not cause the nuisance to be corrected or removed, the city may abate the nuisance as outlined in 18.40 SWMC and the cost shall be assessed to the adjacent property owner.
- B. Appeals from the city determination that a nuisance exists may be made by any citizen or the adjacent property owner within ten days after the property owner is notified of the city determination. Such determination may be appealed to the city council at the next regularly scheduled meeting. Action taken by the city council on such appeal shall be final.
- C. If the owner of such private property does not correct or remove such nuisance within thirty days after receipt of written notice from the city, they shall be guilty of a civil infraction, and subject to a monetary penalty of not more than the amount listed in the master fee schedule adopted by resolution of the city council. Each day for which the violation is allowed to continue shall be a separate offense. Nothing contained in this chapter shall be deemed to impose any liability upon the city, its officers or employees, nor to relieve the owner of any private property from the duty to keep any tree upon his property or under his control in such a condition as to prevent it from constituting a public nuisance as defined in this section. (Ord. [2013-22](#) § 36, 2022; Ord. [1382-00](#) § 11, 2000)

#### **12.40.140130 Reserved rights.**

Nothing in this chapter shall create a property right or interest in the public right-of-way for adjoining owners. The city may amend or repeal all or part of this chapter at any time. (Ord. [1382-00](#) § 12, 2000)

### **Chapter 17.50 LANDSCAPING**

Sections:

**17.50.010 Purpose.**

**17.50.020 Applicability.**

**17.50.030 Site landscaping required review.**

**17.50.040 Minimum site requirements.**

**17.50.050 Prohibited uses.**

**17.50.060 Landscaping plan submittal requirements.**

**17.50.070 Minimum landscape material specifications.**

**17.50.080 Low impact development option.**

**17.50.090 Maintenance of plant materials.**

**17.50.100 Stormwater ponds.**

**17.50.110 Existing site vegetation.**

**17.50.120 Screening requirements.**

**17.50.130 Street tree requirement.**

**17.50.140 Parking lot landscaping.**

**17.50.010 Purpose.**

A. A provision of quality landscaping is necessary to maintain property values, enhance the appearance of the city, mitigate impacts of development such as erosion and light/glare, promote natural systems, improve air quality, provide habitat, reduce noise, reduce the impacts on storm drainage systems, and provide a buffer between land uses.

B. Landscaping can be provided as a tool to be used in partnership with potential developers and citizens in Sedro-Woolley to enhance the community. (Ord. [1517-05](#) § 1 (part), 2005)

**17.50.020 Applicability.**

A. The requirements of this chapter shall be imposed at the time of land use permit review, including: land alteration or land development such as subdivisions, short subdivisions, a change in lot coverage, a change in area devoted to parking and circulation, and projects requiring design review.

B. This chapter does not apply to a permit for a single-family dwelling less than one acre, unless restrictions have been placed on clearing and site design under separate permit authority.

C. This chapter does not apply to areas within the central business district (CBD) which is bounded on the north and west by the railroad tracks, on the south by State Street, and on the east by Puget Avenue. This area is substantially developed on zero setbacks from the right-of-way, making it impractical to provide on-site landscaping which would satisfy the purpose and intent of this chapter. Businesses located in this exempt area are encouraged to participate in other projects and improvements programs to enhance and improve the character and appearance of the city. (Ord. [1517-05](#) § 1 (part), 2005)

**17.50.030 Site landscaping required review.**

The planning director shall use the Sedro-Woolley design and development guidelines landscaping section as it pertains to that zone as a guide for design and layout when reviewing applications.

A. The director shall perform landscape review for all applications, permits and land use actions.

B. The public works department shall review all landscape and irrigation system designs. Irrigation shall be designed in accordance with Skagit PUD No. 1. (Ord. [2032-22](#) § 14, 2023; Ord. [1593-07](#) § 1, 2007; Ord. [1517-05](#) § 1 (part), 2005)

**17.50.040 Minimum site requirements.**

A. In no case shall the total amount of landscaping be less than ten percent of the total site area. For subdivisions, the total amount of landscaping shall be not less than ten percent of the combined net lot area plus ten percent of the site open space. Developments may include any critical area and/or shoreline buffer areas when calculating landscape area if native vegetation is enhanced.

B. Stormwater detention dry ponds can only be included in the minimum landscaping area if low impact development techniques are used.

C. Zoning/Use Classification—Percent of Gross Site Area.

Residential 15	20%
Residential in Mixed Commercial	20%
Mixed Commercial (excluding the CBD)	15%
Industrial	10%
Commercial uses in industrial district	15%
Public	10%
PRD's and CUP's	As required by planning commission

(Ord. [1517-05](#) § 1 (part), 2005)

**17.50.050 Prohibited uses.**

The following uses are not permitted in required landscape areas:

- A. Parking of motor vehicles or recreational vehicles, including: campers, travel trailers, motor homes, boats or trailers;
- B. Installation of impervious surfaces;
- C. Storage of materials, including, but not limited to, hazardous waste, industrial equipment, and supplies. (Ord. [1517-05](#) § 1 (part), 2005)

**17.50.060 Landscaping plan submittal requirements.**

If the landscaped and irrigated area on the subject property exceeds five hundred square feet, or if the applicant requests the low impact development option, the director shall require approval of the proposed landscape plan by a privately retained licensed landscape architect, Washington Certified Nurseryman or Washington Certified Landscaper. All landscaping plans shall be prepared in accordance with the following requirements:

- A. Ten sets of landscape plans drawn to a scale of one inch equals fifty feet or larger (e.g., one inch equals thirty feet, one inch equals twenty feet). The plan should include a bar scale for reference;
- B. Name and address or location of the project;
- C. Vicinity map;
- D. Scale, north arrow and date of the plan;
- E. All property lines, easements, rights-of-way, streets, walks, vehicular drives, parking lots, existing and proposed structures, building entrances, freestanding lights, service or loading areas, signs, overhead and belowground utilities, open spaces, plazas, and recreation amenities with materials noted;
- F. Location, sizes and species of existing vegetation within landscape areas. Natural areas should be designated as such;
- G. Location of all trees, shrubs and ground cover to be planted;
- H. Any proposed or existing physical elements (such as fencing, curbing, benches, etc.) that may affect the overall landscape;
- I. Parking layout, including circulation, driveway location, parking stalls and curbing;
- J. Existing and proposed contours (maximum five-foot intervals, two feet contours preferred), elevations, and delineation of any critical areas;
- K. Dimensioned landscaped areas;
- L. Location of irrigation system, source of water, and type of irrigation system;
- M. A legend that shows symbols and type of plantings;

- N. All plant materials shall be shown on the landscaping plan at three-quarters mature size in appropriate relation to the chosen scale of the plan;
- O. The plan shall state the estimated date for installation and completion of all plantings and finish materials;
- P. The landscape plan shall identify the location and dimensions of any designated environmentally sensitive areas and required buffers;
- Q. A plant schedule shall be included which indicates the scientific and common names, quantities, sizes and spacing for all plants in the landscape plan. Quantities are not required on a preliminary landscape plan;
- R. Planting details including installation and maintenance notes and or requirements;
- S. PUD approval for irrigation systems;
- T. Identify type and number of significant trees; identify those significant trees to be saved and those to be removed and identify replacement stumps per 17.50.110 SWMC. (Ord. [1517-05](#) § 1 (part), 2005)

#### **17.50.070 Minimum landscape material specifications.**

- A. The applicant shall utilize plant materials that complement the natural character of the Pacific Northwest that are drought tolerant and are adaptable to the climatic, topographic, and hydrologic characteristics of the site.
- B. If the subject property includes a sensitive or critical area, the applicant shall utilize plant species that enhance that sensitive area.
- C. The applicant should utilize plant materials that reduce or eliminate the need for fertilizers, herbicides, or other chemical controls, especially for properties that include wildlife habitat areas, shorelines, or wetlands.
- D. Street trees shall be provided as follows:
  1. Minimum planting strip width: ten feet, five feet for small trees, seven feet for medium trees, and ten feet for large trees;
  2. Maximum Spacing: Trees shall be planted at an average of twenty thirty feet apart for small trees, an average of thirty feet apart for medium trees, and an average of forty feet apart for large trees, with ground cover or shrubs used liberally;
  3. Plant Varieties: Trees utilized in this area shall be of varieties that do not conflict with underground and overhead utilities. These trees may be selected from the city's suggested list of plant materials, or an approved equivalent.
- E. All plantings shall have the following minimum size at installation:
  1. Deciduous trees: two three-inch caliper;
  2. Evergreen trees: six-foot minimum height range;
  3. Vine maples and other multi-stemmed trees: seven-foot minimum height;
  4. Medium and tall shrubs: twenty-four to thirty-inch minimum height;
  5. Ground cover: four inch minimum heightes (approximately eighteen inches on center);
  6. Shall not interfere with sight distance;
  7. Shall not be installed within two three feet of back of curb for speed less than thirty five mph and ten feet from back of curb for thirty five mph or over small trees, within three feet of back of curb for medium trees, or within four feet of back of curb for large trees. (Ord. [1517-05](#) § 1 (part), 2005)

- F. Where trees are to be planted in the planting strip of the public right-of-way or within five feet of a pedestrian walkway and/or underground utility line, root barriers as required per the Public Works Department standards shall be installed to protect such infrastructure from future damage.

#### **17.50.080 Low impact development option.**

The purpose of this option is to provide an additional landscaping option that has the potential to reduce impacts on the existing stormwater drainage infrastructure, and aid in meeting Endangered Species Act requirements. Low impact development strives to protect or restore the natural hydrology of the site so

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that the overall integrity of the watershed is protected. Low impact development is encouraged by the city of Sedro-Woolley because it:

- A. Protects the environment;
- B. Reduces costs to developers;
- C. Makes communities more attractive;
- D. Uses vegetation and small-scale hydraulic controls to capture, treat and infiltrate stormwater on site.

More specific information about low impact development will be available as requested through the planning and public works departments. (Ord. [1517-05](#) § 1 (part), 2005)

#### **17.50.090 Maintenance of plant materials.**

The following performance standards shall apply to all landscape areas of which this chapter applies:

- A. The property owner shall replace any unhealthy or dead plant materials in conformance with the approved landscape development proposal and shall maintain all landscape material.
- B. An assignment of funds or performance bond shall be for one hundred twenty-five percent of the estimated improvements. The funds shall remain in place until the last required planting of the subject development has been planted. Only then, the assignment of funds or performance bond shall be reduced as a maintenance guarantee in an amount that is fifty percent of the original assignment of funds for performance. The maintenance guarantee shall include maintenance during the guarantee period and replacement of dead or unhealthy plants at the conclusion of the guarantee period. The length of the guarantee shall be no less than one year with an eighty percent survival rate and always cover at least one growing season (May through September). The end date of the assignment of funds or performance bond shall be determined by the city and applicant.
- C. Maintenance of landscaping intended for screening purposes shall be pruned or altered to maintain planting health only, not to maximize retail visibility or minimize screening.
- D. The required landscaping must be installed prior to issuance of the temporary certificate of occupancy unless the director determines that an assignment of funds or performance bond, for a period of not more than a year, will adequately protect the interests of the city. (Ord. [1517-05](#) § 1 (part), 2005)

#### **17.50.100 Stormwater ponds.**

A. Site improvements meant to control water runoff shall be designed, when reasonably possible, to fulfill multiple functions including:

- 1. Regulate stormwater discharge;
- 2. Improve water quality;
- 3. Provide wildlife habitat;
- 4. Provide an aesthetic amenity;
- 5. Provide passive recreation opportunities such as walking or sitting areas; sports fields or fountains;
- 6. Provide shade for water temperature mitigation.

B. Any required site drainage plan, including conceptual plans, shall include the location and landscape design of stormwater ponds.

C. Stormwater ponds shall be used as aesthetic features in the site master plan. The following shall be considered when designing ponds:

- 1. Reduce the need for fencing by designing safe ponds which have side slopes less than 3:1 and normal water depths less than twenty-four inches;
- 2. Create ponds that are irregular in shape;
- 3. Design the pond to blend in with the surrounding environmental conditions;
- 4. Provide a topographic bench around the perimeter of the pond for safety;
- 5. Retain any existing high quality vegetation around perimeter of site;
- 6. Provide a pedestrian walkway and seating areas around perimeter;
- 7. Utilize landscaping to provide shade, create habitat, and add screening;
- 8. No landscaping below one-hundred-year storm elevation.

These guidelines do not replace standards for stormwater retention/detention pond design. (Ord. [1517-05](#) § 1 (part), 2005)

#### **17.50.110 Existing site vegetation.**

Significant existing trees and shrubs shall be incorporated into the landscaping. "Significant trees" shall be those eight inches evergreen and ten inches deciduous trees in diameter at a point five feet above ground level. The site plan for the project shall include the location of significant trees, and shall identify which trees will be retained on the site. Care shall be taken in the grading and construction process so as not to disturb the roots and drip line of existing trees to be retained, and to ensure proper irrigation.

Orange construction fencing will be constructed outside the drip line of existing trees. If significant trees cannot be incorporated into the site design because of street or building design, such trees shall be replaced with equivalent mitigation to compensate for loss of significant tree ecosystem functions and values ~~stumpage for over ten percent reduction~~ as approved by the city planner. (Ord. [1517-05](#) § 1 (part), 2005)

#### **17.50.120 Screening requirements.**

A. Purpose. The requirements of this section are intended to reduce the visual impacts and incompatible characteristics of:

1. Abutting properties with different land use classifications;
2. Service areas and facilities, including loading and storage areas;
3. Any other use or area as required under this section or by the planning commission;
4. Oncoming or glaring headlights when required by the public works department.

B. Landscaping. Screen planting shall consist of evergreen trees planted a maximum of fifteen feet on center; deciduous trees for seasonal color and texture planted a maximum of fifteen feet on center; and medium-sized shrubs (three to five feet at maturity) at five feet on center and ground cover plants at a density to form an effective barrier to cover eighty-five percent of the ground surface within two years. Irrigation must be installed for all screening areas.

C. Minimum Width. The landscaped screening area shall be thirty feet wide and vegetation shall be eighty percent sight-obscuring at time of planting and one hundred percent within two years that extends a minimum of six feet above the adjacent sidewalk or road right-of-way unless the use of an earth berm, fence, or wall is incorporated into the screening, as provided below:

1. Earth Berm Alternative. If an earth berm that extends a minimum of six feet above the adjacent sidewalk or road right-of-way is incorporated into the screening plan, the width of the screening area may be reduced to fifteen feet with landscaping per subsection B of this section.
2. Fence Alternative. If a fence that extends a minimum of six feet above the adjacent sidewalk or road right-of-way is incorporated into the screening plan, the width of the screening area may be reduced to fifteen feet with landscaping per subsection B of this section. The fence shall be subject to design approval by the planning director.
3. Wall Alternative. If a wall that extends a minimum of six feet above the adjacent sidewalk or road right-of-way is incorporated into the screening plan, the screening area may be reduced to ten feet with landscaping per subsection B of this section. Screen walls shall be constructed with masonry, block, or textured concrete, subject to design approval by the planning director.

D. Uses Requiring Screening. Screening is required to protect adjacent properties from probable negative impacts of any permitted or conditional use in a zone. Screening shall be required in the following instances:

1. Developments located in zones on the left side of the chart, below, shall provide screening when adjoining zones specified on the right side of the chart.

<b>Zone to Be Developed</b>	<b>Zone to Be Screened</b>
Residential-15 (R-15)	Any other residential zone
Public	Any residential zone
Mixed commercial	Any residential zone
Industrial	Any residential zone, mixed commercial zone, public zone

2. Mobile home parks shall have screening installed around the perimeter of the development in the required open space buffer, which shall not be less than twenty feet in width.
3. Unless otherwise required through the conditional use process, screening is not required along public rights-of-way except in the industrial zone. Screening along public rights-of-way is required in the industrial zone when the zoning across the public right-of-way is zoned anything other than industrial.

E. Any material that enhances the visual appearance and screening may be utilized. All screening materials are subject to design review as per Chapter [15.44](#). (Ord. [1664-10](#) § 2 (Exh. D), 2010: Ord. [1517-05](#) § 1 (part), 2005)

#### **17.50.130 Street tree requirement.**

The applicant of a project requiring a land use permit or design review by the city shall provide street trees in the public right-of-way abutting the property in accordance with SWMC Chapter [12.40](#). (Ord. [1517-05](#) § 1 (part), 2005)

#### **17.50.140 Parking lot landscaping.**

The provisions of this section are intended to soften the visual effect created by large expanses of barren asphalt; increase the amount of permeable surface; and reduce the quantity and speed of runoff from the site:

- A. Area of Application. The provisions of this section shall apply to the interior of parking areas providing twenty or more spaces;
- B. Required Area. Fifteen square feet of landscaping per parking space;
- C. Minimum Width. Planting islands shall have a minimum width of eight feet;
- D. Location of Plantings Areas. Parking area landscaping shall be located at the ends of parking columns, between the parking stalls oriented in the same direction as the stalls, or between rows of parking to break up and define parking areas;
- E. Tree and Shrub Requirements. A minimum of one tree shall be required for every one hundred fifty square feet, or fraction thereof, of required landscaped area. Deciduous trees shall have a clear trunk at least five feet above ground and a minimum size of two inches diameter breast high (dbh). Low shrubs shall be provided on the perimeter of the landscaping islands, in addition to other ground cover or flowers. Other landscape materials shall comply with the general provisions of this section;
- F. Landscape Protection. Any trees, shrubs, or plants which are susceptible to damage by pedestrian or motor vehicles shall be protected by appropriate curbs, tree guards or other protective devices;
- G. Pedestrian walkways may be included in landscaped areas and the standards of this section modified to accommodate them. (Ord. [1517-05](#) § 1 (part), 2005)

**Section 2.** This ordinance shall be in force and take effect five (5) days after its publication according to law.

**Section 3.** If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

**PASSED** by majority vote of the members of the Sedro-Woolley City Council this 8th day of January, 2025, and signed in authentication of its passage this 15th day of January, 2025.

By: DocuSigned by:  
*Julia Johnson*  
JULIA JOHNSON, Mayor  
FBB2DA001582408

Attest: DocuSigned by:  
*Kelly Kohnen*  
KELLY KOHNKEN, Finance Director  
2C53B290694B4A9

Approved as to form:

DocuSigned by:  
*Nikki Thompson*  
NIKKI THOMPSON, City Attorney  
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Published: