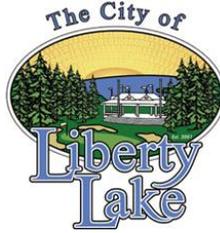


**CITY OF LIBERTY LAKE NOTICE OF PUBLIC HEARING BEFORE CITY COUNCIL ON THE PROPOSED AMENDMENTS TO THE CITY OF LIBERTY LAKE STREET TREE REGULATIONS**

**NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS THAT:** The City of Liberty Lake City Council will conduct a public hearing on the proposed Amendments to the City of Liberty Lake Street Tree Regulations. Attendees will have the opportunity to testify on the above-mentioned proposed amendments. Written comments may also be submitted to the contact person listed below. **The public hearing will be held Tuesday, March 19, 2019 beginning at 7 pm @ the Liberty Lake City Hall Council Chambers, 22710 E. Country Vista, Liberty Lake, WA.**

For more information, please contact: Lisa D. Key, Director of Planning & Engineering Services, 22710 E. Country Vista, Liberty Lake, WA 99019. Phone: 509-755-6708, Fax: 509-755-6713, Email: [lkey@libertylakewa.gov](mailto:lkey@libertylakewa.gov). Information is also available on the City website at <http://www.libertylakewa.gov/196/Public-Notices>.

Individuals planning to attend the meeting who require special assistance to accommodate physical, hearing, or other impairments, please contact the City Clerk at (509) 755-6729 as soon as possible and with at least 48 hours' notice prior to the meeting, so that arrangements may be made.



**PLANNING COMMISSION  
FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS  
TO CITY COUNCIL**

**IN THE MATTER OF PROPOSED AMENDMENTS TO THE CITY OF LIBERTY LAKE STREET TREE  
REGULATIONS**

**HEARING DATE:** January 9, 2019 @ 4:00 p.m., continued to January 23, 2019 @ 4:00 p.m.

<b>PROPOSAL SUMMARY:</b>	
<b>Location</b>	Citywide
<b>Proposal Information</b>	City Initiated Amendments to Street Tree Regulations in City of Liberty Lake Development Code, RDSAP 08-0001, and the City of Liberty Lake Engineering Standards
<b>Code Section</b>	<p><b>City Code &amp; RDSAP 08-001 §10-1C:</b> Definitions (“Street Trees”)</p> <p><b>City Code &amp; RDSAP 08-001 §10-3C-4:</b> Street Trees</p> <p><b>City Code &amp; RDSAP 08-001 §10-3I-3:</b> General Outdoor Maintenance Requirements (Paragraph A (10-14), related to Street Trees)</p> <p><b>City Code §8-6:</b> Trees (To be repealed)</p> <p><b>Engineering Design Standards Section 3.3:</b> Curbs, Gutters, Pedestrian Buffer Strips &amp; Sidewalks (Paragraphs I-K, related to Street Trees)</p>
<b>Proposed Amendments</b>	See <i>Exhibit A</i> .

## **CITY OF LIBERTY LAKE REGULATORY FRAMEWORK & PROCEDURAL REQUIREMENTS:**

### **City Code §10-4B-5: Type IV Projects:**

*Development Code Amendments are classified as Type IV Projects in the City of Liberty Lake Development Code and are considered legislative decisions. The procedural requirements and decision criteria are detailed in City Development Code §10-4B-5.*

## **STATE OF WASHINGTON REGULATORY FRAMEWORK, AUTHORITY & REQUIREMENTS:**

### **RCW 36.70A: Growth Management Act (GMA):**

*Liberty Lake is mandated to plan under GMA. The City's Comprehensive Plan and Development Regulations were developed in accordance with the requirements of GMA. Development Regulations are required to implement the City's Comprehensive Plan, and any amendments to City Development Code must be consistent with the City's adopted Comprehensive Plan. The City must provide reasonable public notice of proposed amendments and opportunities for public participation.*

### **WAC 365-196: Growth Management -- Procedural Criteria for Adopting Comprehensive Plans and Development Regulations**

*Development code amendments must comply with procedures established in WAC 365-196, including rules regarding internal consistency, interjurisdictional coordination, public participation requirements, and notification to the Department of Commerce of "intent to adopt" proposed code amendments at least 60 days prior to final adoption.*

### **WAC 197-11: State Environmental Policy Act (SEPA) Rules:**

*Development code amendments are subject to SEPA review as a non-project action, in accordance with procedures established in WAC 197-11.*

## **SEPA REVIEW:**

SEPA Checklists were completed for the proposed Amendments to the City of Liberty Lake Street Tree Amendments. The City of Liberty Lake Planning & Engineering Services determined that the proposal, as a non-project review, would have no significant adverse environmental impacts and issued a Determination of Non-Significance (DNS) and Adoption of Existing Environmental Document on the 2018 Development Code Text Amendments on December 14, 2018. The City adopted the Spokane County Final Supplemental Environmental Impact Statement for the Spokane County Comprehensive Plan that was prepared on November 22, 2000 and was previously adopted for the original City of Liberty Lake Comprehensive Plan and Development Code, as well as the Final Environmental Impact Statement for the City of Liberty Lake Urban Growth Area Boundary Alternatives that was prepared on December 13, 2006. The Notice of Availability, SEPA Checklist and Threshold Determination, and Amendment Document were routed to agencies on December 14, 2018 and a Notice of Availability was posted at the Liberty Lake Municipal Library and at City Hall, as well as being published in the December 21, 2018 edition of the Valley News Herald. On December 17, 2018, the Notice of Availability, Notice of Hearing, SEPA Checklist

and Threshold Determination, and Amendment Lists were also posted on the City website, and the notice and a link to the City website was emailed to the public notice group, as well as the amendment applicants. Comments on the SEPA Checklist and Threshold Determination were due by 4 p.m., on January 2nd, 2019. No comments were received.

**PROCEDURAL INFORMATION:**

- |                   |  |
|-------------------|--|
| October 10, 2018  | Planning Commission Workshop:<br><i>Agenda &amp; packet published on City website &amp; distributed to City's "Notify Me" e-mail distribution list</i>   |
| November 14, 2018 | Planning Commission Workshop:<br><i>Agenda &amp; packet published on City website &amp; distributed to City's "Notify Me" e-mail distribution list</i>   |
| December 12, 2018 | Planning Commission Workshop:<br><i>Agenda &amp; packet published on City website &amp; distributed to City's "Notify Me" e-mail distribution list</i>   |
| December 17, 2018 | SEPA Notice of Availability/ Planning Commission Public Hearing Notice:<br><i>NOA packet with SEPA checklist and DNS e-mailed to involved agencies, adjacent jurisdictions, "Notify Me" e-mail distribution list &amp; posted on website</i>   |
| December 21, 2018 | SEPA Notice of Availability/Planning Commission Public Hearing Notice:<br><i>Published in Valley News Herald</i>   |
| January 2, 2019   | SEPA Comment Period Ends<br><i>SEPA appeal period begins</i>   |
| January 9, 2019   | Planning Commission Hearing:<br><i>Agenda &amp; staff report published on City website &amp; distributed to City's "Notify Me" e-mail distribution list on January 4, 2019</i>   |
| January 23, 2019  | Continuation of Planning Commission Hearing:<br><i>Hearing continued to January 23, 2019 at 4 p.m. at the noticed January 9, 2019 hearing; Agenda &amp; revised staff report with potential revisions based on public comments published on City website &amp; distributed to City's "Notify Me" e-mail distribution list on/or about January 11, 2019</i> |

**AGENCY REVIEW:**

SEPA Distribution List & Adjacent Jurisdictions: Liberty Lake Police Department; Avista; Century Link; Central Valley School District; City of Spokane Valley; CDA Tribe; Comcast; Spokane Clean Air; Spokane Valley Fire District; Spokane Transit Authority; Spokane Regional Health District; Spokane Tribe; WS Department of Ecology; S Department of Fish & Wildlife; WS Department of Natural Resources; WS Department of Transportation; Spokane Regional Transportation Council; Liberty Lake Water & Sewer

Agencies Notified	Notification	Comment Summary
SEPA Distribution List & Adjacent Jurisdictions	SEPA Notice of Availability; Proposed Amendment Summary; Determination of Non-Significance (DNS) Emailed 12/14/18	No comments received

**PUBLIC COMMENTS:**

Name & Address	Comment Summary
Avista	<ul style="list-style-type: none"> <li>• Separation distance of 15' from overhead utilities is the minimum separation applicable to Class I trees; may need additional separation distance for Class II &amp; III trees</li> <li>• Any part of a tree growing within 10' of an overhead utility should only be trimmed by a qualified power line clearance trimmer</li> </ul>
Greenstone	<ul style="list-style-type: none"> <li>• Limiting maple trees on the approved street tree list, as they have been a very successful street tree</li> <li>• Separation distances too prohibitive in residential environment                             <ul style="list-style-type: none"> <li>○ Reduce separation from driveways to 5'</li> <li>○ Reduce separation from street lights to 15'</li> <li>○ Separation distances from sewer &amp; water mains vs. service lines</li> </ul> </li> <li>• Minimum caliper of trees should be 1 3/4", based upon availability of stock</li> <li>• Installing root barriers costly and potential damaging to existing sidewalks</li> </ul>

**RELEVANT COMPREHENSIVE PLAN GOALS & POLICIES:**

**Governance Policy 1:** The City shall use the website, email, social media, newsletters, local newspapers, special announcements and other techniques to keep the community well-informed.

**Urban Design Policy 5:** Require the planting of curbside trees. Identify those species of trees that are most appropriate for curbside plantings, considering safety, soils, aesthetics, and compatibility with infrastructure, and require species diversity to protect from disease and promote neighborhood identity.

**Transportation Policy 23:** Encourage curbside landscaping consistent with safety requirements. Identify those species of landscaping that are most appropriate for curbside planting.

**Natural Environment Policy 21:** Encourage tree planting programs that emphasize native species and encourage species diversity.

**Natural Environment Policy 22:** Maintain tree conservation regulations that discourage removal of mature trees, require appropriate tree replanting when removal is necessary to accommodate development, and provide incentive to conserve trees in accordance with the City's designation as a "Tree

**STAFF ANALYSIS:**

The attached draft amendments are intended to clarify, simplify, consolidate, eliminate conflicting requirements and create consistency where needed, and provide better guidance and more specific standards for the implementation of City requirements related specifically to street trees and tree maintenance requirements.

With regard to City Code §8-6, many of the requirements were duplicated (or in conflict with) requirements detailed in City Code §10-3 and the City’s Engineering Standards. Requirements associated with maintenance that were not reflected in City Code §10-3 were moved to §10-3-I, and §8-6 is proposed to be repealed, to eliminate duplication and the confusion caused by similar content in two different sections of code.

The proposed amendments to Development Code §10-3C-4 and City of Liberty Lake Engineering Design Standards are specifically intended to address the Comprehensive Plan *Urban Design Policy 5*, *Transportation Policy 23*, and *Natural Environment Policy 21*. Amendments to Development Code §10-3-I are specifically intended to address the Comprehensive Plan *Transportation Policy 23*, and *Natural Environment Policy 22*.

**FINDINGS:**

1. The required SEPA review has been completed on the proposed amendment.
2. All public and agency notice requirements were met and accomplished in a timely manner.
3. The public was provided the opportunity for early and continuous participation.
4. The public had the opportunity to submit written comments and testify at a public hearing before the Planning Commission.

**CRITERIA FOR APPROVAL:**

The criteria for approval of a code amendment are established in City Code §10-4B-5(A), which states:

*A. Criteria for Amendment:*

*The City may amend development regulations when it finds that **any** of the following applies:*

1. *Such amendment is consistent with the Comprehensive Plan and is not detrimental to the public welfare;*
2. *Change in economic, technological, or land use conditions has occurred to warrant modification;*
3. *It is found that an amendment is necessary to correct an error;*
4. *It is found that an amendment is necessary to clarify meaning or intent;*
5. *It is found that an amendment is necessary to provide for a use(s) that was not previously*

*addressed; or*

6. *Those amendments as deemed necessary by the City Council as being in the public interest.*

**CONCLUSIONS:**

In reviewing the application, the Planning Commission unanimously made the following conclusions in consideration of their recommendation:

1. The proposed amendment **IS** consistent with the Comprehensive Plan and **IS NOT** detrimental to the public welfare.
2. The proposed amendment **IS** warranted by a change in economic, technological and/or land use conditions.
3. The proposed amendment **IS** necessary to correct an error.
4. The proposed amendment **IS** necessary to clarify meaning or intent.
5. The proposed amendment **IS** necessary to provide for a proposed use that was not previously addressed.
6. The proposed amendment **IS** deemed necessary as being in the public interest.

**RECOMMENDATION:**

In the matter of proposed amendments to the City of Liberty Lake Street Tree Regulations (as detailed in Exhibit A of this report), the City of Liberty Lake Planning Commission recommends to City Council that the amendment be **APPROVED WITH MODIFICATIONS**, as reflected in attached Exhibit A.

Ratified by the Planning Commission on February 13, 2019, by a vote of 5-0.



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Lisa D. Key,  
Planning Commission Secretary

**EXHIBIT A**  
**PROPOSED STREET TREE ORDINANCE AMENDMENTS,**  
**AS MODIFIED BY THE PLANNING COMMISSION**

**DEVELOPMENT CODE TITLE 10**

**CHAPTER 1 INTRODUCTION**

**Article 10-1C Definitions**

B. Definitions:

**Street tree** ~~— Any tree planted on land lying between private property lines on either side of any streets, avenues or ways within the city, in roundabouts or medians within the public right-of-way, or in trees wells located in sidewalks on public right-of-way or in public access easements. A tree planted in a planter strip or tree cut-out that conforms to set standards.~~

**CHAPTER 3 DESIGN AND MAINTENANCE STANDARDS**

**Article 10-3C-4 Street Trees**

Street trees shall be planted for all developments that are subject to Land Division or Site Design Review. Requirements for street tree planting strips are provided in Section 10-3G-2 - Transportation Improvements. Planting of unimproved streets shall be deferred until the construction of curbs and sidewalks. Street trees shall conform to the following standards and guidelines:

A. Landscaping Plan Required. A landscape plan is required and shall be submitted and ~~reviewed~~ approved by the City prior to any permit issuance or development approval. All landscape plans shall conform to the requirements in Section 10-4C-3, and shall indicate the anticipated height and width of each tree species proposed at maturity. The landscape plan shall be prepared or approved by a licensed landscape architect with the landscape architect's stamp on the plans.

~~B. Acceptable Street Trees. Acceptable street trees shall be considered any species of tree determined or approved by city staff for planting on rights-of-way and other public lands.~~

~~The following sections C – J contain guidance for selecting and planting trees proposed to be located on or adjacent to rights-of-way and other public lands.~~

~~All individual specimens to be planted must meet industry-accepted standards of quality established within the American National Standards Institute's "Z60.1 American Standards for Nursery Stock" as published by AmericanHort.~~

~~B. \_\_\_\_\_~~

C. Growth Characteristics. Trees shall be selected based on the compatibility of their growth characteristics and with site conditions, including but not limited to: available space for trees to grow above and below ground; overhead required clearances for traffic, visibility and other

~~infrastructure,; soil conditions,; and, exposure,; and desired color and appearance.~~ The following should guide tree selection:

1. Provide a broad canopy where shade is desired.
2. Use low-growing trees for spaces under utility wires.
3. Select trees which can be “limbed-up” as the tree grows where to accommodate vision clearance ~~is a concern~~ requirements.
4. Use narrow or “columnar” or other similar trees with narrow or upright growth forms, where awnings or other building features may limit growth, or where greater visibility is desired between buildings and the street.
5. Use species with similar ~~growth~~ characteristics on the same block for design continuity.
6. Avoid using trees that are susceptible to insect damage, and avoid using trees that produce excessive seeds or fruit.
7. Select trees that are well-adapted to the environment, including soil, wind, sun exposure, deicing chemicals, and exhaust. Drought-resistant trees should be used in areas with sandy or rocky soil.
- ~~8. — Select trees for their seasonal color, as desired.~~
98. Use deciduous trees for summer shade and winter sun.
- ~~10. — Select trees that do not have invasive roots.~~

CD. Caliper Size at Planting. The minimum caliper size at planting shall be ~~2 inches~~ 1 ¾ inches, based on the American Association of Nurserymen Standards.

DE. Size at Maturity. The following size classes which categorize tree species’ size at maturity are set forth as follows, and are referenced throughout other provisions of this section. [See Paragraph H of this Section for a list of acceptable street tree species.]

1. Class I Trees (Small Trees) are 20’-30’ tall at maturity. Examples include but are not limited to:

- Crataegus x lavalley* - Lavalley Hawthorne
- Maackia amurensis* - Amur Maackia
- Malus x 'Spring Snow'* – Spring Snow Crabapple (fruitless)
- Parrotia persica* - Persian Parrotia

2. Class II Trees (Medium Trees) are 30’-50’ tall at maturity. Examples include but are not limited to:

- Acer campestre* - Hedge Maple
- Gleditsia triacanthos 'Skycole'* - Skyline Thornless Honeylocust
- Tilia americana 'Redmond'* – Redmond Linden
- Tilia tomentosa 'Sterling'* – Sterling Silver Linden

3. Class III Trees (Large Trees) are in excess of 50' tall at maturity. Examples include but are not limited to:

*Acer x freemanii* 'Autumn Blaze' - Autumn Blaze Maple

*Acer saccharum* spp. - Sugar Maple Varieties

*Ginkgo biloba* - Maidenhair Tree

*Liriodendron tulipifera* - Tulip Tree

F. Spacing and Location. Street trees shall be planted within existing and proposed planting strips, and in sidewalk tree wells on streets without planting strips. The use of grass in ~~street-sidewalk tree planters-wells~~ is discouraged and if necessary, shall only be utilized in a manner approved by the City. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity.

1. Spacing. The spacing of Street Trees ~~will be in accordance with the three species size classes listed in G below, and no trees may be planted closer than the following:~~should be based upon the size of the tree selected and the canopy size at maturity, in accordance with the three species classes listed below:

a. Class I Trees (Small Trees) -: 15 - 30 feet

b. Class II Trees (Medium Trees)-: 30 - 40 feet

c. Class III Trees (Large Trees)-: 40 - 50 feet

d. Exceptions - special plantings designed or approved by a landscape professional or certified arborist.

2. Distance from Curb and Sidewalk. The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three ~~species~~-size classes listed in ~~G below~~paragraph F (above), and no trees may be planted closer to any curb or sidewalk than the following:

a. Class I Trees (Small Trees) and Class II (Medium Trees) - ~~2three-~~feet (minimum planting strip width of six feet)

~~b. Class II Trees (Medium Trees) - 3 three feet (minimum planting strip width of six feet)~~

~~eb.~~ Class III Trees (Large Trees) - ~~4four~~ feet (minimum planting strip width of eight feet)

c. For existing planting strips less than six feet in width, only Class I trees will be allowed for replanting purposes.

The City may require increased distances from curbs and/or sidewalks on Arterial and Collector streets to accommodate snow removal ~~and~~, vertical clearances, and visibility at intersections.

3. ~~Distance from Street Corners and Fire Hydrants. No Street Tree shall be planted closer than the spacing requirements identified above in subsection (D)(1) to any crosswalk, stop sign, point of curvature of intersection curblines, or point of tangency of intersection curblines. No Street Trees shall be planted closer than 10 feet of any fire hydrant.~~ Separation Distances from Other Infrastructure Fixtures. No street tree shall be planted closer than the following separation distances, unless a design deviation has been granted by the City:

- a. Tree placement near any street corner, cross walk, or intersection shall be in conformance with the City's clear view triangle standard;
- b. 15 feet from the edge of any commercial driveway;
- c. 15 feet from any street light luminaire;
- d. 7 feet from any fire hydrant;
- e. 15 feet from any utility poles;
- f. For trees NOT included on the Avista approved list of powerline compatible trees, a minimum of 15 lateral feet from any overhead utility line (greater separation distance may be required as based on the tree class, and anticipated size and shape of the tree canopy at maturity);
- g. 5 feet from any curb cut for drainage; and,
- h. 10 feet from any dry well.

- ~~4. Utilities. No street trees other than Small Trees may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line, or other utility.~~

G. Planting Standards. Street trees shall be planted in accordance with City of Liberty Lake Engineering Design Standards, Section 3.3(K)(3), Planting Standards.

~~E.H. Soil Preparation, Planting, and Care. The developer or abutting property owner, as applicable, shall be responsible for ensuring the planting of street trees, including soil preparation, ground cover material, staking, and temporary irrigation for two years after planting. The developer or abutting property owner, as applicable, shall also be responsible for ensuring the tree care (pruning, watering, irrigating, fertilization, and replacement as necessary). during the first two years after planting. All trees shall be maintained and cared for in accordance with City ORDINANCE NO. 124, AN ORDINANCE OF THE CITY OF LIBERTY LAKE, WASHINGTON, ESTABLISHING A CITY TREE ORDINANCE, as amended. Note: if at any time a street tree is substantially damaged by a vehicle or other means, it shall be the responsibility of the person causing the damage to replace the tree with one of similar species and size. Contact the City of Liberty Lake for additional information on street tree planting, pruning, and replacement.~~

~~F.I. Assurances. The City may require the developer to obtain bonding or other assurances as established in Section 10-4C-5, subsection D to ensure the planting of the tree(s) and care during the first two years after planting.~~

GJ. Street Tree List. ~~The following list constitutes example Street Tree species for the City of Liberty Lake, Washington.~~ The City of Liberty Lake is a Tree City USA and the program emphasizes native species and encourages species diversity. The City maintains a non-exhaustive list of approved Street Tree species for the City of Liberty Lake, Washington. Other trees, with characteristics similar to the above listed trees, and consistent with paragraph C of this section, may be used with prior approval from City staff. Similar trees may be used if permission is obtained by the Planning & Community Development Department. Additional information is available in City Ordinance No. 124.

1. ~~Small Trees (shall only be used where utility conflicts exist):~~

~~*Acer griseum* – Paperbark Maple~~

~~*Crataegus x lavalleyi* – Lavalley Hawthorne~~

~~*Fraxinus excelsior* ‘Aureaefolia’ – Golden Desert Ash~~

~~*Fraxinus pennsylvanica* ‘Johnson’ – Leprechaun Ash~~

~~*Malus x* ‘Spring Snow’ – Spring Snow Crabapple~~

~~*Prunus cerasifera* ‘Thundercloud’ – Thundercloud Flowering Plum~~

2. ~~Medium to Large Trees:~~

~~*Acer x freemanii* ‘Autumn Blaze’ – Autumn Blaze Maple~~

~~*Acer griseum* – Paperbark Maple~~

~~*Acer platanoides* ‘Crimson King’ – Crimson King Norway Maple~~

~~*Acer platanoides* ‘Deborah’ – Deborah Maple~~

~~*Acer platanoides* ‘Emerald Queen’ – Emerald Queen Norway Maple~~

~~*Acer rubrum* ‘Autumn Flame’ – Autumn Flame Maple~~

~~*Acer rubrum* ‘October Glory’ – October Glory Red Maple~~

~~*Acer rubrum* ‘Red Sunset’ – Red Sunset Red Maple~~

~~*Acer saccharum* ‘Commemoration’ – Commemoration Sugar Maple~~

~~*Acer truncatum* x *Acer platanoides* ‘Norwegian Sunset’ – Norwegian Sunset Maple~~

~~*Acer truncatum* x *platanoides* ‘Warrenred’ – Pacific Sunset Maple~~

~~*Cercidiphyllum japonicum* – Katsura Tree~~

~~*Fraxinus pennsylvanica* ‘Patmore’ – Patmore Ash~~

~~*Fraxinus pennsylvanica* ‘Cimmzam’ – Cimmaron Ash~~

~~*Ginkgo biloba* ‘Autumn Gold’ – Maidenhair Tree / Autumn Gold Ginkgo~~

~~*Gleditsia triacanthos* ‘Shademaster’ – Shademaster Thornless Honeylocust~~

~~*Gleditsia triacanthos* ‘Skycole’ – Skyline Thornless Honeylocust~~

~~*Liquidambar styraciflua* ‘Moraine’ – Moraine American Sweetgum~~

~~*Parrotia persica* – Persian Parrotia~~

~~*Platanus x acerifolia* ‘Bloodgood’ – Bloodgood London Plane Tree~~

~~*Pyrus calleryana* ‘Autumn Blaze’ – Autumn Blaze Pear~~

~~*Pyrus calleryana* ‘Aristocrat’ – Aristocrat Pear~~

~~*Pyrus calleryana* ‘Holmford’ – New Bradford Pear~~

~~*Pyrus calleryana* ‘Redspire’ – Redspire Pear~~

~~*Quercus palustris* – Pin Oak~~

~~Quercus rubra~~—Red Oak

~~Tilia americana 'Redmond'~~—Redmond Linden

~~Tilia cordata 'Greenspire'~~—Greenspire Linden

~~Tilia tomentosa 'Sterling'~~—Sterling Silver Linden

~~Acer x freemanii 'Autumn Blaze'~~—Autumn Blaze Maple

~~Ginkgo biloba 'Autumn Gold'~~—Maidenhair Tree / Autumn Gold Ginkgo

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### Article 10-31-3                      General Outdoor Maintenance Requirements

A. Maintenance Requirements. It is the responsibility of the owner of any property, improved or unimproved, to maintain the outdoor areas of the property and adjacent rights of way in a manner that complies with the following requirements:

1.       Holes, tanks, and child traps.  
Remove, or fill where filling will abate the nuisance, all holes, cisterns, open cesspools, open or unsanitary septic tanks, excavations, open foundations, refrigerators, freezers, or iceboxes with unlocked attached doors and any other similar substance, material or condition which may endanger neighboring property or the health or safety of the public or the occupants of the property.
2.       Unsecured structures.  
Board over or otherwise secure, and maintain, all open or broken exterior doors, windows, or apertures of any structure so as to prevent access by unauthorized persons through such openings.
3.       Vermin harborage.  
Remove or repair and prevent, any condition that provides a place where vermin gain shelter, feed, or breed.
4.       Emergency access routes.  
Remove and maintain all brush, vines, overgrowth and other vegetation located within 10 feet of a structure or within 10 feet of a property line which is likely to obstruct or impede the necessary passage of fire or other emergency personnel.
5.       Thickets that conceal hazards.  
Cut, remove, and maintain all vines and other thickets when such growth is found to be:
  - a.       Concealing trash and debris; or
  - b.       Creating vermin harborage; or
  - c.       Creating harborage for people involved in criminal activity or for products used for criminal activity.
6.       Overgrown lawn areas, fields, and vegetation.  
Weeds, grass, or other uncultivated vegetation prohibited by this Code whether located on developed or undeveloped property shall be cut and removed. A property owner has

a further duty to remove or destroy all uncultivated grass and weeds, including dead shrubs, bushes and trees which have no appreciable, practical use or value to the property, create a fire hazard or pose a menace to public health, safety or welfare. The word "weeds" shall include noxious weeds regulated pursuant to RCW Chapter 17.10.

7. Trash and debris.

Remove and maintain, unless specifically authorized by ordinance to do otherwise:

- a. All household garbage, offal, dead animals, animal and human waste, and waste materials (All household garbage shall be stored as specified in Section 10-31-4);
- b. Accumulations of litter, glass, scrap materials (such as wood, metal, paper, and plastics), junk, combustible materials, stagnant water, or trash;
- c. Accumulations of dead organic matter and yard debris, with the exception of small accumulations of such material in a maintained compost area on the property and only if such material does not result in a nuisance, such as creating vermin harborage, as otherwise defined in this article; and
- d. Accumulations of clothing and any other items not designed for outdoor storage.

8. Storage of non-trash items.

Remove, and keep removed, unless specifically authorized by ordinance to do otherwise:

- a. Accumulations of wood pallets.
- b. All firewood that is not stacked and useable. "Useable" firewood has more wood than rot and is cut to lengths that will fit an approved fireplace or wood stove on the property.
- c. Accumulations of vehicle parts or tires, unless the parts or tires are enclosed within a legally permitted structure.
- d. All construction materials, except those that are stored in a manner to protect their utility and prevent deterioration and are reasonably expected to be used at the site.
- e. All appliances or appliance parts except for storage of appliances that are reasonably expected to be used at the site and are stored in a manner to protect their utility and prevent deterioration.
- f. All indoor furniture except that which is stored in a manner to protect its utility and prevent deterioration and is reasonably expected to be used at the property.
- g. All recycling materials except for reasonable accumulations (amounts consistent with a policy of regular removal) that are stored in a well-maintained manner.

9. Junk vehicles.

No junk vehicles, as such term is defined in RCW 46.55.010, shall be stored on any property within the City for a period exceeding 30 days, unless the same is stored on private property within an enclosed, legally permitted structure or is covered by a vehicle cover intended for such purpose. A junk vehicle does not include a motor vehicle which is in the process of being repaired as evidenced by the good faith efforts of the vehicle owner, as defined in City Ordinance No. 109. Removal and abatement of such junk vehicles shall be in accordance with the provisions of ORDINANCE NO. 109, AN ORDINANCE OF THE CITY OF LIBERTY LAKE, WASHINGTON RELATING TO JUNK VEHICLES INCLUDING PROCEDURES FOR THE ABATEMENT AND REMOVAL AS PUBLIC NUISANCES.

10. Obstructions to sidewalks, streets, and other rights of way.  
Keep the adjacent rights of way free of anything that obstructs or interferes with the normal flow of pedestrian or vehicular traffic, unless specifically authorized by ordinance to do otherwise. This responsibility includes, but is not limited to, removal of earth, rock, and other debris, as well as projecting or overhanging bushes and limbs that may obstruct or render unsafe the passage of persons or vehicles. This responsibility also includes, but is not limited to, the obligation to maintain all rights of way referenced in this subsection to meet the ~~following~~ minimum clearances: as detailed in paragraphs 11, 12, and 13 of this subsection.
  
11. Sidewalks.  
When any street is improved with a sidewalk along either or both sides thereof, the duty to clean and maintain the same shall be upon the abutting property owner. It shall be the responsibility of the owner of property abutting upon a public sidewalk to maintain the sidewalk at all times in a safe condition, by removing snow and ice, or any accumulation of debris, materials or objects. ~~where the same endangers or interferes with the public convenience in the use of such sidewalks.~~ All sidewalks must be clear of obstructions ~~by earth, rock, or vegetation~~ from edge to edge ~~and~~ to an elevation of seven feet six inches (7-1/2' 6") feet above sidewalk level. For example, bushes that encroach on or over any part of a sidewalk area must be cut back or removed and ~~tree~~ limbs ~~of trees~~ that project over the sidewalk area at an elevation of less than seven feet six inches (7-1/2 feet 7' 6") above the sidewalk level must be removed. Sidewalk damage from heaving or cracks with a vertical separation of greater than ¼ inch must be repaired, as it creates a trip hazard.
  
12. Improved streets.  
All improved streets must be clear of obstructions to vehicle movement and parking from edge to edge and to an elevation of thirteen feet six inches (13' 6") above street level. For example, bushes that encroach on or over any part of a street must be cut back or removed; ~~limbs of tree~~ limbs that project over a street at an elevation of less than thirteen feet six inches (13' 6") ~~13' 6"~~ above street level must be removed; and no wires or other ~~things items~~ shall be maintained over the street level at any elevation less than thirteen feet six inches (13' 6") ~~13' 6"~~. Adjacent property owners shall prune tree branches so that the branches do not obstruct the view of any street intersection or traffic control devices.

13. Alleys and unimproved rights of way.  
All alleys, unimproved streets, and other public rights of way must be clear of obstructions that may hinder the normal flow of traffic or render the right of way unsafe for its current and necessary use.
  
14. Tree maintenance.
  - a. No street trees shall be removed without the prior authorization of the City.
  
  - b. The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs adjacent to all public streets, alleys, avenues, lanes, squares and public grounds, as ~~may be~~ is necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public properties and rights-of-way.
  
  - c. The City may remove or cause by order to be removed, any tree or part thereof which is in unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements., ~~or is affected with any injurious fungus, insect or other pest.~~
  
  - d. Tree topping is not permitted as a normal practice for street trees, or other trees on public property. "Topping" is defined as the severe cutting back of limbs to stubs larger than three inches (3") in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions, where other pruning practices are impractical, may be exempted from this section at the determination of the city.
  
  - e. Owners shall remove all dead, diseased, dangerous, broken or decayed limbs which threaten the safety of the public.
  
  - f. The city may prune any tree or shrub on private property when it interferes with the visibility of any traffic control device or sign or causes a threat to public safety.
  
  - g. All stumps of street trees 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.

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## **TITLE 8 PUBLIC WAYS AND PROPERTY**

**Article 8-6, Trees: City Code Article 8, Chapter 6: Trees is hereby repealed, and replaced with the regulations detailed in City Code Article 10-3 Design and Maintenance Standards, §10-3C-4 (Street Trees), and §10-3I-3 (General Outdoor Maintenance Requirements).**

### **8-6-1: DEFINITIONS:**

~~PARK TREES: Trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the city, or to which the public has free access as a park.~~

~~STREET TREES: Trees, shrubs, bushes and all other woody vegetation on land lying between private property lines on either side of all streets, avenues or ways within the city. (Ord. 124, 12-16-2003)~~

~~8-6-2: ARBORISTS LICENSE AND BOND:~~

~~It shall be unlawful for any person to engage in the business or occupation of pruning, treating or removing street or park trees within the city without first applying for and procuring a license. The annual license fee shall be twenty five dollars (\$25.00), paid in advance; provided, however, that no license shall be required of any public service company or city employee doing such work in pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of fifty thousand dollars (\$50,000.00) for bodily injury and one hundred thousand dollars (\$100,000.00) property damage, indemnifying the city or any persons injured or damaged resulting from the pursuit of such endeavors as herein described. (Ord. 124, 12-16-2003)~~

~~8-6-3: PLANTING REQUIREMENTS:~~

~~A. Street Tree Species: The following list constitutes example street tree species for the city. The program will emphasize native species and encourage species diversity:~~

- ~~1. Small Trees: Aspen, lilac, flowering cherries, flowering crabapples, kousa, pagoda or Florida dogwood, serviceberry, flame amur maple, paperback maple, vine maple, parrotia, flowering plum, flowering pears (not Bradford), redbud, globe locust.~~
- ~~2. Medium To Large Trees: Red sunset maple, river birch, Canadian red cherry, beech, sargent cherry, ginkgo biloba, horsechestnut, honeylocust, autumn blaze maple, emerald queen maple, sugar maple, red or pin oak, yellowwood, Kentucky coffee tree, zelkova.~~

~~B. Spacing: The spacing of street trees will be in accordance with the three (3) species size classes listed in subsection A of this section, and no trees may be planted closer than the following, except in special plantings designed or approved by a landscape professional:~~

- ~~Small trees: 30 feet~~
- ~~Medium trees: 40 feet~~
- ~~Large trees: 50 feet~~

~~C. Distances:~~

- ~~1. From Curb And Sidewalk: The distance trees may be planted from curbs and sidewalks will be in accordance with the three (3) species size classes listed in subsection A of this section, and no trees may be planted closer to any curb or sidewalk than the following:~~

- ~~Small trees: 2 feet~~
- ~~Medium trees: 3 feet~~
- ~~Large trees: 4 feet~~

- ~~2. From Street Corners And Fire Hydrants: No street tree shall be planted closer than thirty five feet (35') of any street corner, measured form the point of nearest intersecting curbs or curblines. No street trees shall be planted closer than ten feet (10') of any fire hydrant.~~

~~8-6-4: PUBLIC TREE CARE:~~

~~The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs adjacent to all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.~~

~~The city tree board may remove or cause by order to be removed, any tree or part thereof which is in unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements, or is affected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners, provided that the selection of said trees is in accordance with section 8-6-3 of this chapter.~~

~~8-6-5: TREE MAINTENANCE:~~

~~A. — Tree Topping: It shall be unlawful as a normal practice for any person or city department to top any street tree, park tree or other tree on public property. "Topping" is defined as the severe cutting back of limbs to stubs larger than three inches (3") in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions, where other pruning practices are impractical, may be exempted from this section at the determination of the city tree board.~~

~~B. — Pruning, Corner Clearance: Any owner of any street or right of way within the city shall prune the branches so that the branches shall not obstruct the view of any street intersection or traffic control devices. Trees shall be pruned a minimum of eight feet (8') above the street or sidewalk. Owners shall remove all dead, diseased, dangerous, broken or decayed limbs which threaten the safety of the public. The city may reserve the right to prune any tree or shrub on private property when it interferes with the visibility of any traffic control device or sign or causes a threat to public safety.~~

~~C. — Dead Or Diseased Tree Removal On Private Property: The city shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life or property, or harbor insects or disease which constitutes a potential threat to other trees within the city. The city tree board will notify, in writing, the owner of such trees. Upon order of the city tree board, removal shall be done at the owner's own expense within twenty (20) days after the date of service of notice. In the event of failure of the owner to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal to the owner's property tax.~~

~~D. — Removal Of Stumps: All stumps of street and park trees 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. (Ord. 124, 12-16-2003)~~

~~8-6-6: INTERFERE WITH TREE BOARD:~~

~~It shall be unlawful for any person to prevent, delay or interfere with the city tree board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of~~

~~any street trees, park trees or trees on public grounds, as authorized by this chapter. (Ord. 124, 12-16-2003)~~

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**CITY OF LIBERTY LAKE ENGINEERING DESIGN STANDARDS** (as adopted by Ordinance 241)

**Section 3.3 Curbs, Gutters, Pedestrian Buffer Strips, Street Trees, Driveways and Sidewalks**

Section 3.3(I-K):

I. Roadside Planting

1. Any roadside planting shall conform to the City's clearances/clear zone standards as discussed in Section 3.5. Planting, removal, or pruning of any street tree shall be in accordance with Liberty Lake ~~Ordinance Title 8 Chapter 6~~Development Code, Article 10-3, Design & Maintenance Standards. All projects requiring landscaping within or affecting the public right-of-way shall submit a landscaping plan for review ~~by Public Works~~the City.

J. Existing Street Trees

1. When development occurs on sites with existing street trees, the following items must be addressed as part of the project:
  - a. Existing, healthy street trees shall be preserved and protected during construction, where feasible and practical.
  - b. Street trees that are in conflict with proposed site improvements shall be relocated or replaced elsewhere on site, where feasible, and shall require authorization by the City prior to removal and relocation.
  - c. All dead or diseased trees must be removed and replaced ~~at the discretion~~with the prior approval of ~~Public Works~~the City.
  - ~~bd.~~ Trees that are missing shall be replaced at the discretion of the City.
  - ~~ce.~~ For trees being replaced, deep root irrigation systems or root barriers shall be installed in accordance with the standards detailed in paragraph K, subparagraphs 3(a) & (b) of this section.
  - f. Broken or missing irrigation systems shall be repaired or replaced.
  - ~~dg.~~ Broken or missing tree grates shall be repaired or replaced.

- ~~eh.~~ All concrete tree grates shall be replaced with metal grates meeting ADA requirements.
- ~~f.i.~~ When structural sidewalk is removed and backfilled, concrete planter vaults shall be removed and replaced with metal culverts 6' in diameter by 3' depth as approved by ~~Public Works~~the City
- ~~gj.~~ Gaps between the tree grate and the soil surface exceeding 2 inches shall be filled in with a material approved by ~~Public Works~~the City.
- ~~hk.~~ Tree grates that are not flush with the surrounding sidewalk shall be raised or lowered as necessary to prevent a tripping hazard.
- ~~i.l.~~ No new utility pole location shall be established closer than 15 feet to an existing tree~~s~~.

K. New Street Trees

1. Tree selection shall be coordinated through ~~the Public Works Department~~City Staff. Approval shall be obtained from the City ~~Engineer~~ prior to planting tree(s) in the City right of way.
2. When locating street trees, the following specific criteria shall apply:
  - a. Street tree installations shall meet all City of Liberty Lake visibility requirements.
  - b. Street trees installed in tree pits or sidewalk cutouts shall be located so as to not interfere with street signs, lighting poles, utility wires bus stops or pads and to accommodate ADA pedestrian requirements.
  - c. Minimum horizontal distances from the centerline of a tree to other structures or improvements in the planting strip shall be as follows:
    - ~~1) 15 feet to edge of driveway;~~
    - ~~2) 25 feet to street light luminaire (15 feet may be allowed where lighting pattern is not affected);~~
    - ~~3) As required to provide an adequate clear sight triangle as per LLMC 21.46;~~
    - ~~4) 5 feet to underground duct or pipe;~~
    - ~~5) 10 feet from curb cut for drainage;~~
    - ~~6) 20 feet from drywell;~~
    - ~~7) 15 feet to hydrants and utility poles~~
    - 1) Tree placement near any street corner, cross walk, or intersection shall be in conformance with the City's clear view triangle standard;
    - 2) 15 feet from the edge of any commercial driveway;

- 3) 15 feet from any street light luminaire;
- 4) 7 feet from any fire hydrant;
- 5) 15 feet from any utility poles;
- 6) For trees NOT included on the Avista approved list of powerline compatible trees, a minimum of 15 lateral feet from any overhead utility line (greater separation distance may be required as based on the tree class, and anticipated size and shape of the tree canopy at maturity);
- 1) 7) 5 feet from any curb cut for drainage; and,
- 2) 8) 10 feet from any dry well.

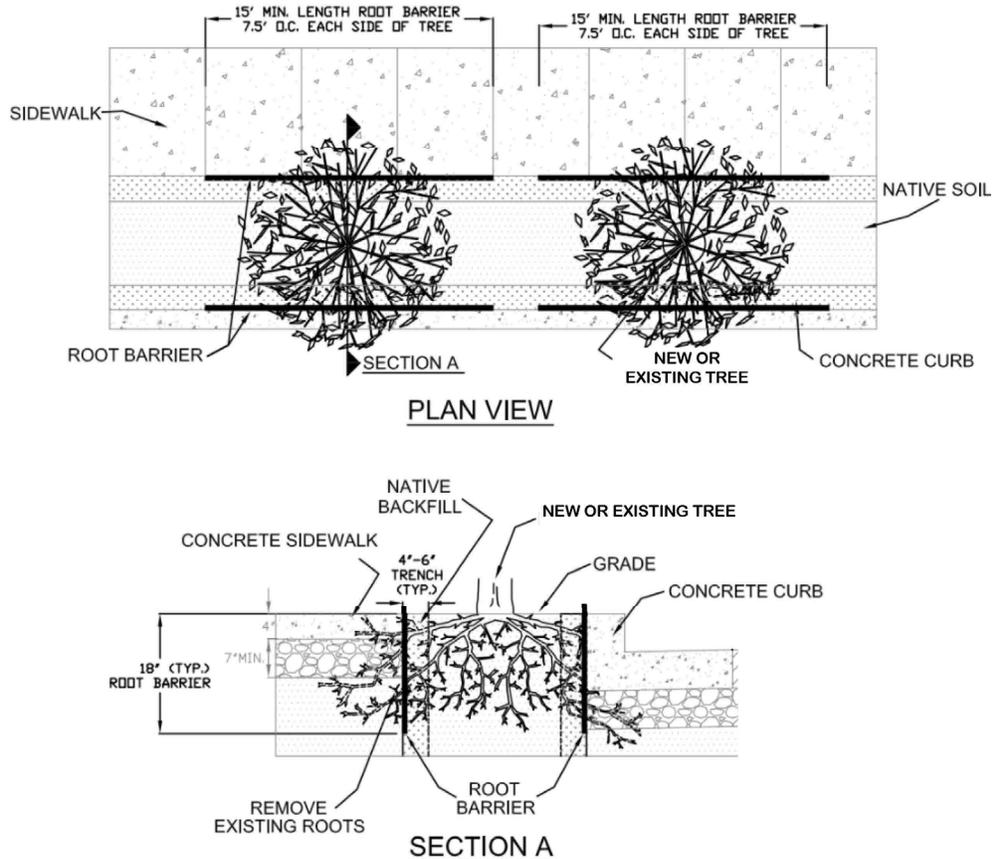
- d. Trees that are suitable for wet areas shall be selected for planting within grass percolation areas. Trees that are planted within grass percolation areas shall not interfere with, obstruct, or retard the flow of water within the swale.
- e. Spacing of street trees will be determined by City, as per City Code 10-3C-4(F).
- f. If trees are to be planted in an area with no planting strip, the following criteria shall apply:
  - 1) A permanent, hard walking surface at least four feet wide shall be provided between the tree well or planting area and any structure or obstruction.
  - 2) Sidewalk cuts in concrete for tree planting shall be at least 44" x 44" 4' x 4' to allow air and water to the root area and shall comply with planting requirements detailed in City Code Section 10-3C-D(2).
  - 3) In cases where the existing walk cannot meet the four foot width requirement after tree planting, additional sidewalk width must be added within street right of way or easement, or the tree position must be modified.

3. Tree Planting Standards. New street trees shall be planted in accordance with the following standards:

- a. Irrigation systems, to include deep root irrigation, shall be installed at the time of street tree planting.
- b. Root Barriers. Linear root barriers may be installed in lieu of a deep root irrigation system when planting a street tree located 8 feet or less from hardscape (including, but not limited to pavement, curbing, sidewalks, and pedestrian ramps), in accordance with the following standards:
  - i. The barrier shall be a minimum of 18 inches (18") in height and shall be centered on the tree and extend a minimum of 15 feet (15') along edge of the hardscape (as depicted in the installation standards below); or, In the case of

a tree well, shall be sized to fit the perimeter of that tree well. The top of the barrier shall be above the soil line.

ii. Root Barrier Standard Installation Standards. Root barriers shall be installed as per the root barrier installation standards detailed below:



- NOTES:
1. ROOT BARRIER SHALL BE BLACK, INJECTION MOLDED PANELS OR LINEAR ROLL WITH 90 DEGREE DEFLECTING RIBS.
  2. ROOT BARRIER SHALL BE MANUFACTURED WITH 50% POST CONSUMER POLYPROPYLENE PLASTIC WITH ADDED ULTRAVIOLET INHIBITORS.
  3. INSTALL MINIMUM 18" HIGH ROOT BARRIER.
  4. ROOT BARRIERS SHALL HAVE A MINIMUM WALL THICKNESS OF 0.06" (60 MIL) & RIB THICKNESS OF 0.08" (80 MIL).
  5. THE VERTICAL ROOT DEFLECTION RIBS SHALL BE FACING INWARDS TO THE ROOT BALL.
  6. ROOT BARRIER SHALL BE 15' LONG; 7.5' O.C. FROM TREE UNLESS APPROVED OTHERWISE BY THE CITY.
  7. ROOT BARRIER TRENCH SHALL BE 4" WIDE TO 6" WIDE.
  8. ROOT BARRIER SHALL BE INSTALLED VERTICAL IN TRENCH ADJACENT TO SIDE WALK AND CURB ABOVE THE SOIL LINE.
  9. A CERTIFIED ARBORIST SHOULD BE CONSULTED BEFORE EXTENSIVE CUTTING OF ROOTS ON AN EXISTING STREET TREE.

iii. Concrete barriers meeting the dimensional requirements detailed in paragraphs (a) and (b) above shall be an acceptable alternative to polypropylene root barriers.

c. Tree Rings. A mulched tree ring at least three feet (3') in diameter, and 2 inches to 3 inches deep is required in planting strips that incorporate turf grass.

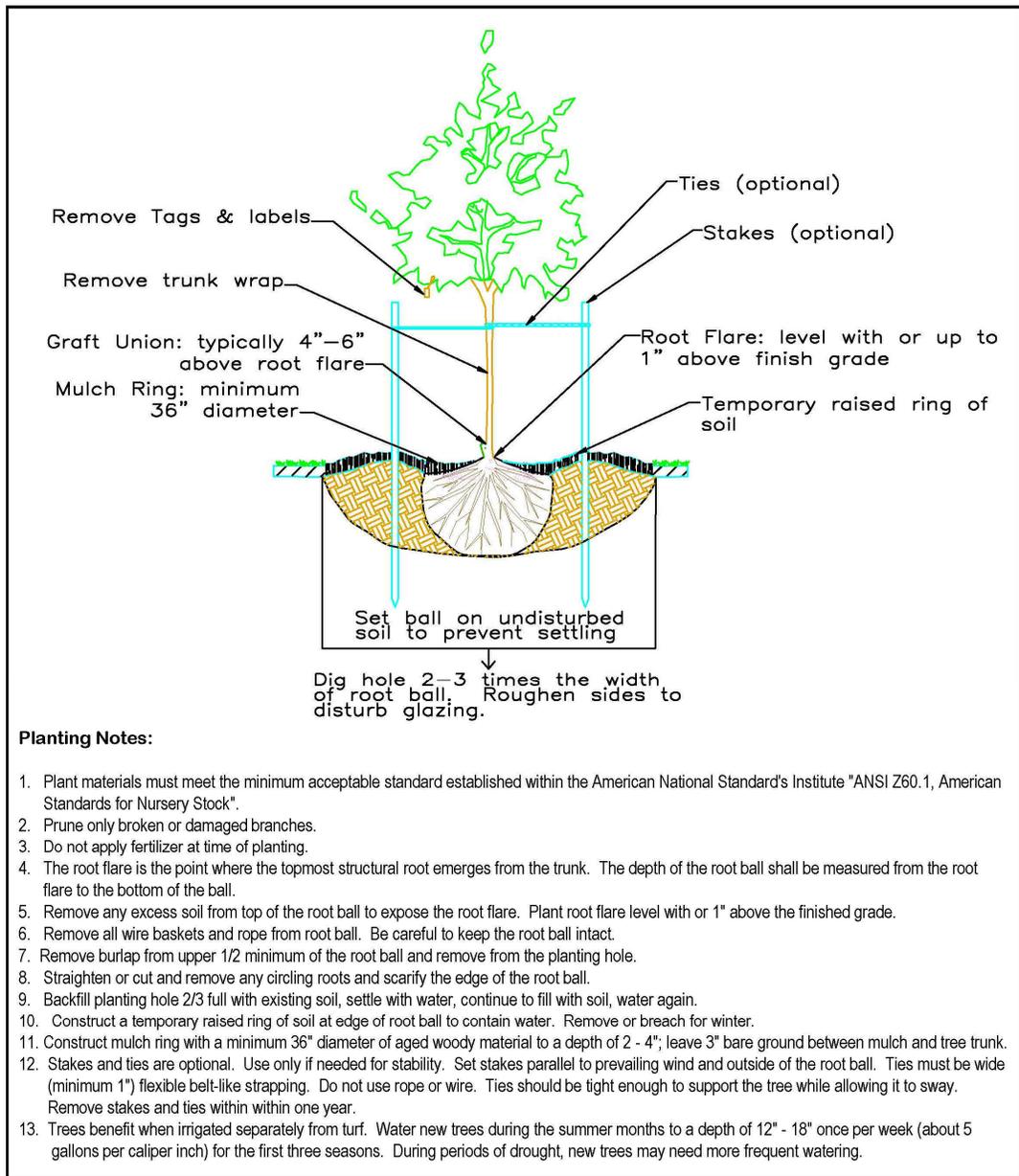
d. Additional Standards for Trees Planted in Sidewalk Tree Wells.

1) A permanent, hard walking surface at least four feet (4') wide shall be provided between the tree well and any structure, obstruction, lawn or landscaped areas.

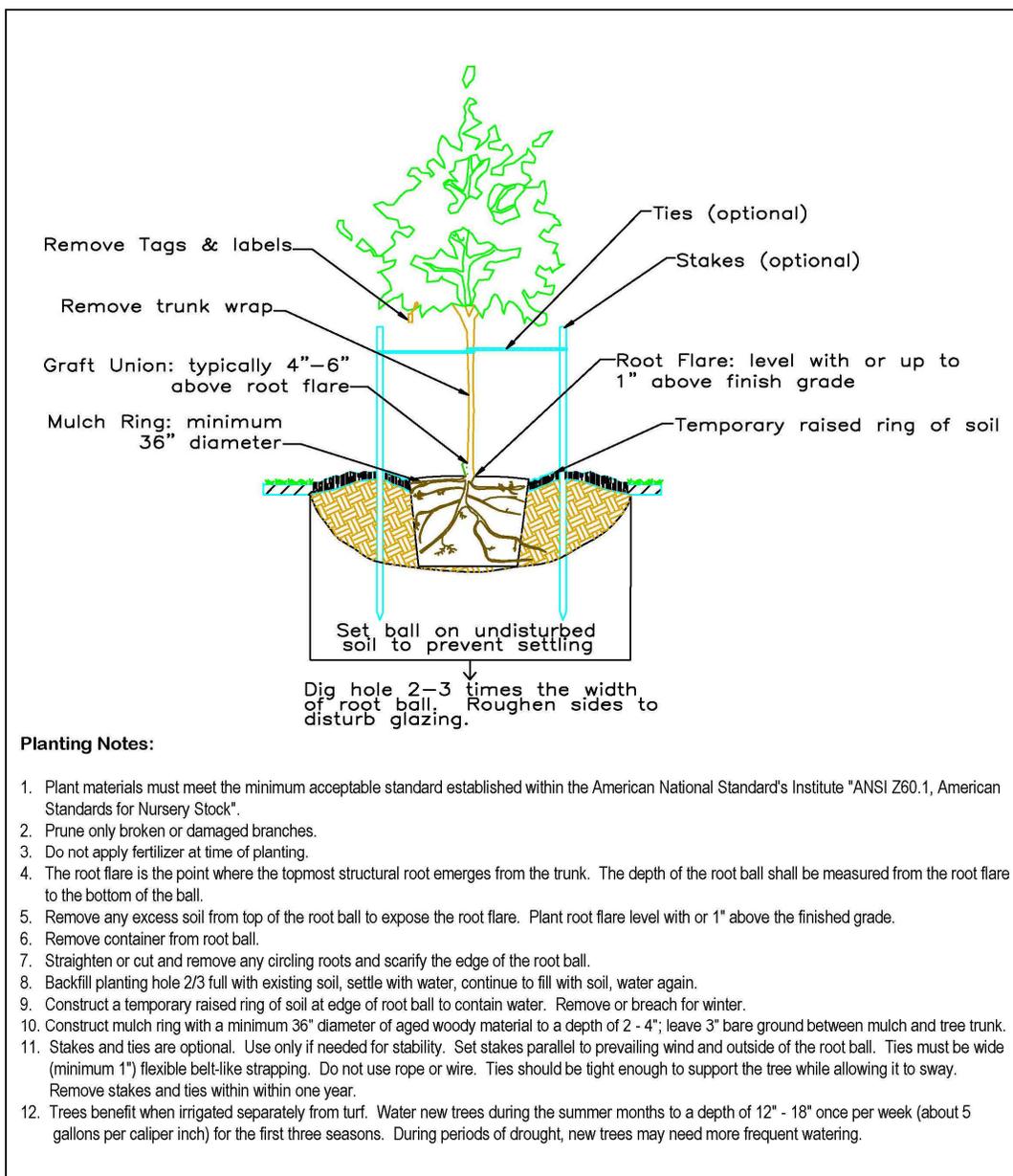
2) Tree wells cut out of hardscape shall be at least 4 feet by 4 feet to allow air and water to the root area.

3) Dimensions of the root barrier shall be adjusted to accommodate the dimension of tree well.

e. Trees with balled and burlapped roots should be planted in accordance with the following planting detail:



f. Container trees should be planted in accordance with the following planting detail:



g. Irrigation systems shall be required for all areas where street trees are planted.

h4. Deviation from these Standards will be considered via the Design Variance process.