
Council Meeting Date: January 9, 2012

Agenda Item: 9(a)

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Continued Tree City USA Discussion (Ordinance No. 617, Public Tree Management)
DEPARTMENT:	City Manager's Office Parks, Recreation and Cultural Services
PRESENTED BY:	John Norris, CMO Management Analyst Dick Deal, Parks, Recreation and Cultural Services Director
ACTION:	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Discussion

PROBLEM/ISSUE STATEMENT:

In the City Council's 2011-2012 goal work plan, an objective of Council Goal #1 is to become a Tree City USA. In order to become a Tree City USA, an individual or entity must be codified as the legally responsible entity for the care and management of the community's public trees. As well, staff has proposed that a tree board be created to provide advice to the legally responsible entity on tree maintenance and urban forestry issues. Proposed Ordinance No. 617 fulfills these requirements by having the existing Parks, Recreation, and Cultural Services Board serve as the Shoreline Tree Board. Council also asked staff to prepare an alternate Ordinance No. 617, which creates a stand-alone board for the proposed tree board.

RESOURCE/FINANCIAL IMPACT:

There is no fiscal impact to adopting proposed Ordinance No. 617, Public Tree Management. However, if the Council adopts alternate Ordinance No. 617 which would implement a "stand alone" Shoreline Tree Board, there will be opportunity costs to staffing a new standing committee. This resource impact has the potential to affect other Parks, Recreation and Cultural Services projects and efforts that are currently ongoing or may be forthcoming in the future.

RECOMMENDATION:

Although no action is required this evening, Council should review and discuss staff's recommendation regarding the care of public trees and the recommendation to have the Parks, Recreation, and Cultural Services Board serve as the City's Tree Board. This report presents two options for the public tree management ordinance for Council review. Feedback and direction from the Council will be used by staff to finalize an ordinance for Council's consideration. Council is scheduled to adopt Ordinance No. 617, Public Tree Management, which is required for a Tree City USA designation, on January 23.

Approved by: City Manager _____ City Attorney _____

BACKGROUND:

At the Council's November 7 study session, staff discussed the Council goal of the City becoming a Tree City USA. This discussion entailed a description of the benefits of the Tree City USA program, the requirements for becoming a Tree City USA, and the steps required to successfully apply to the program. It was also noted that the tree management component of the Tree City USA program is specific to public trees, most notably "street trees" in city rights-of-way and trees on city-owned property, such as park trees, and does not relate to trees on private property.

There was much discussion and public comment about the structure of the tree manager/tree board requirement for cities applying to become a Tree City USA. Staff presented the recommendation to have the legally responsible tree manager be the Director of Parks, Recreation and Cultural Services (PRCS). This would entail the PRCS Director being responsible for all public trees on City-owned property and in City rights-of-way. Although right-of-way management, including tree management within the right-of-way, would still be performed by the City's Public Works Department, Public Works staff would work with the PRCS Director when planning for tree planting, pruning, and other management in the right-of-way.

In addition to this designation, staff also recommended that the Shoreline PRCS Board serve as an advisory tree board, which would make recommendations to the PRCS Director regarding tree care and management issues. Although not required to become a Tree City USA, an advisory tree board would help facilitate citizen input and recommendations for the annual community forestry work plan, and could focus on the development of other urban forestry work items. At their October 27 meeting, the PRCS Board voted unanimously to support this recommendation.

Much of the Council discussion and the public comment on November 7 however, centered on the proposed tree board being a "stand alone" board, which would consist of Council appointed citizens. Given this level of public comment and discussion, Councilmember Roberts asked staff to prepare an alternate ordinance that would create this type of structure for the tree board.

ALTERNATIVES:

The following alternatives regarding the structure of the required tree manager/tree board, and the advantages and disadvantages of both, are provided for Council review:

Proposed Ordinance No. 617 – PRCS Board

Proposed Ordinance No. 617 was provided to Council as part of the November 7 staff report and is attached to this report as Attachment A. This staff-recommended ordinance proposes that the legally responsible tree manager be the PRCS Director and that the PRCS Board serve as an advisory tree board to the City Council.

Given the staffing levels typically required to staff an advisory committee, the advantage of having the PRCS Board serve as the advisory tree board is that co-locating the tree board responsibility with an existing advisory board provides a cost-effective way to

manage this additional workload. The level of staffing that goes into an advisory group is significant, and typically entails two to three staff members attending meetings, agenda and minutes preparation, scheduling guest speakers and content experts, development of agenda item discussion content, and the development of agenda item discussion processes. Given this work load, it would be very challenging to manage a new ongoing committee without dedicated staff.

Additionally, the members of the PRCS Board have a wide variety of expertise and skill sets, including members that have a very strong interest in tree management and canopy preservation. Thus, although it would not be required to have PRCS members with specific horticultural or arboricultural experience, staff is comfortable that the existing and future PRCS Boards would be able to adequately serve in the role of the advisory tree board. Additionally, given the completion of the 2006 Parks Bond projects and the Parks, Recreation and Open Space Plan, the PRCS Board has the capacity to take on this additional role.

The two major disadvantages of not having a stand alone board is that board members might not have specific tree management and care expertise, and that the tree board will also be providing recommendations and input on trees outside the park system that may be unfamiliar to the PRCS Board. More specifically, the proposed alternate ordinance for the stand alone board states that members shall have training or experience in environmental sciences, forestry, horticulture, arboriculture, landscaping, or urban design. This specific type of experience will provide a high level of expertise about all trees, including park trees and trees in the right-of-way. Although the PRCS Board's familiarity with park management issues and tree issues provides a level of understanding and experience suitable for this role, some, if not most, of these content areas and areas of expertise will likely be missing. As well, there may be some issues related to street trees that the PRCS Board has not encountered in the past, such as sidewalk and Americans with Disabilities Act issues, view preservation and privacy screening issues, and right-of-way maintenance issues, potentially hindering their ability to make informed decisions. With this stated however, the PRCS Board could always rely on the input of other staff or content experts to provide good information for recommendation making purposes.

Alternate Ordinance No. 617 – Shoreline Tree Board

Alternate Ordinance No. 617 is attached as Attachment B. This ordinance would still propose to have the legally responsible tree manager be the PRCS Director, but would provide for a stand alone tree board with a structure similar to the PRCS Board. The purpose of the board would be the same as the purpose of the tree board as proposed by staff initially.

Staff recommends that the Shoreline Tree Board have seven members appointed by the City Council to four-year terms. Shoreline Tree Board members would need to reside in or own property in Shoreline and would need to have training or experience in environmental sciences, forestry, horticulture, arboriculture, landscaping, or urban design. Staff support for the Shoreline Tree Board would be provided by the PRCS

Department. Given staffing limitations however, the ordinance limits the frequency of board meeting to once a quarter. The board would serve in an advisory capacity to the legally responsible tree manager (PRCS Director), and other specifics of the structure and organization of the proposed board would align with similar regulations of the PRCS Board.

The advantage of the Shoreline Tree Board would be that the Council would theoretically appoint members to the board that have specific experience in and knowledge of tree science, tree management and/or urban forestry. This specific type of experience will provide a high level of expertise about all trees, including park trees and trees in the right-of-way. The major disadvantage of this proposal relates to the level or resources required to staff an additional standing committee that will exist in perpetuity. Managing this committee's scope and work load will be a significant challenge, given the potential for a very high level of enthusiasm around tree management and care issues, and the very limited staff resources available to manage a new committee, even if the committee only meets four times per year.

PUBLIC TREE MANAGEMENT ORDINANCE AMENDMENTS:

Since initially reviewed by the Council on November 7th, staff has amended a few sections of Ordinance No. 617. These amendments are highlighted in Attachment A, the initial Public Tree Management Ordinance, and, where applicable, incorporated into the text of Attachment B, the alternate Tree Management Ordinance. Some of the amendments were made to address typos or inaccuracies in the draft ordinance, while others were made to make the ordinance clearer, especially the amendments to SMC 12.30.030, Right-of-way street trees, and SMC 12.30.040, Adoption of administrative procedures.

Proposed SMC 12.30.030 amends the municipal code by moving the requirement to obtain a right-of-way permit for planting, pruning or removing street trees from SMC 12.15.030 to this newly proposed code section. This code section also reflects the administrative procedures previously reviewed by the City Council in October 2011. However, staff is now recommending in SMC 12.30.030 that anyone who desires to plant, remove, or prune trees within the right-of-way adjacent to their property, obtain a right-of-way *use* permit, not a right-of-way *site* permit, as this is the more appropriate permitting tool.

The proposed code does not allow the removal of any "approved" tree within the City's rights-of-way that have been opened with public improvements, unless it is hazardous or damaging public infrastructure. All approved trees are listed in the City's approved street tree list (Attachment C). These approved street trees are acceptable for the right-of-way as their height, girth, and root structure should minimize any potential damage to public infrastructure such as sidewalks and utilities as the trees grow and mature.

The City's code does allow the removal of non-approved street trees from the right-of-way with a right-of-way use permit. If the trees being removed are considered "significant", based on their diameter as specified within SMC 20.20.048, then there are

replanting requirements with trees that are on the City's approved list. The tree replanting requirements, contained in SMC 20.50.360C(1-3), are as follows:

1. One existing significant tree of eight inches in diameter at breast height for conifers or 12 inches in diameter at breast height for all others equals one new tree.
2. Each additional three inches in diameter at breast height equals one additional new tree, up to three trees per significant tree removed.
3. Minimum size requirements for trees replaced under this provision: deciduous trees shall be at least 1.5 inches in caliper and evergreens six feet in height.

The Parks Director will have the ability to determine if the required replanting can fully be done within the right-of-way or in another public space such as a park. The code will also allow an applicant to pay a fee in lieu of replanting of \$285 per required replacement tree to the City.

The initial Public Tree Management Ordinance (Attachment A) was also amended to have the Tree Board advisory to the City Council. Initially, it was proposed that the Tree Board would be advisory to the Director of Parks, Recreation and Cultural Services. However, given that the municipal code section governing the Parks, Recreation and Cultural Services Board states that the Parks Board may make reports and recommendations to the City Council, SMC 12.30.020, Tree Board, was amended to state that the Tree Board shall be advisory to the City Council.

NEXT STEPS:

Given that this discussion item was rescheduled to January 9 from its initially scheduled meeting date of November 28, the other process steps to become a Tree City USA have also been altered from what was originally proposed. Going forward, the Council is now scheduled to adopt a version of Ordinance No. 617 on January 23.

Subsequent to this, the Council will need to observe and proclaim Arbor Day in Shoreline. Given that Washington State's Arbor Day is the second Wednesday in April (April 11, 2012), staff recommends that the Council conduct the required Arbor Day proclamation at their business meeting on Monday, April 9. Staff from the State Department of Natural Resources' Urban and Community Forestry (UCF) Office stated that they would like to attend our initial Arbor Day proclamation to kick off the Tree City USA application process.

Once Ordinance No. 617 is adopted and Arbor Day is proclaimed, staff will submit the Tree City USA application to UCF sometime during the calendar year in 2012. UCF suggests that the City wait to submit the application later in the year so that we can confirm all of the required information for the application over the course of the year. Given that UCF approves applications on an annual basis, our application would then be reviewed and hopefully approved by UCF in early 2013. UCF staff stated that they

would then also like to attend our second Arbor Day celebration in April of 2013 to bring our official Tree City USA signage and promotional materials to share with the Council.

COUNCIL GOAL ADDRESSED:

This staff report addresses Council Goal No. 1: Implement the adopted Community Vision by updating the Comprehensive Plan and key development regulations in partnership with residents, neighborhoods, and businesses.

RESOURCE/FINANCIAL IMPACT:

There is no fiscal impact to adopting proposed Ordinance No. 617, Public Tree Management. However, if the Council adopts alternate Ordinance No. 617 which would implement a “stand alone” Shoreline Tree Board, there will be opportunity costs to staffing a new standing committee. This resource impact has the potential to affect other Parks, Recreation and Cultural Services projects and efforts that are currently ongoing or may be forthcoming in the future.

RECOMMENDATION:

Although no action is required this evening, Council should review and discuss staff’s recommendation regarding the care of public trees and the recommendation to have the Parks, Recreation, and Cultural Services Board serve as the City’s Tree Board. This report presents two options for the public tree management ordinance for Council review. Feedback and direction from the Council will be used by staff to finalize an ordinance for Council’s consideration. Council is scheduled to adopt Ordinance No. 617, Public Tree Management, which is required for a Tree City USA designation, on January 23.

ATTACHMENTS:

- A: Proposed Ordinance No. 617, Public Tree Management
- B: Alternate Ordinance No. 617, Public Tree Management with Shoreline Tree Board
- C: List of Approved Right-of-Way Street Trees

Attachment A

ORDINANCE NO. 617

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON DESIGNATING A RESPONSIBLE INDIVIDUAL FOR THE MANAGEMENT OF CITY-OWNED PUBLIC TREES IN THE CITY OF SHORELINE AND ESTABLISHING A TREE BOARD

WHEREAS, the Tree City USA program is sponsored by the Arbor Day Foundation in cooperation with the United States Forest Service and the National Association of State Foresters; and

WHEREAS, benefits of joining the Tree City USA program, as outlined by the Arbor Day Foundation, include increased public awareness of social, economical and environmental benefits of urban forestry practices, educational opportunities to improve urban forestry practices, provision of a blueprint for planting and maintaining City-owned trees, and community signage that shows that the community cares about its environment and supports tree preservation and planting; and

WHEREAS, to become a Tree City USA, the City must designate an individual to oversee the planting, care, maintenance and removal of City-owned trees; and

WHEREAS, designating a Tree Board to make tree management recommendations to the City-designated individual is beneficial to Tree City USA programs; and

WHEREAS, the responsibility for issuing right-of-way site permits for planting, pruning or removing streets trees has heretofore been under the direction of Director of Public Works but will now transfer to the Director of Parks, Recreation and Cultural Services Department.

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

Section 1. New Chapter. A new chapter, Chapter 12.30, *Public Tree Management*, is hereby adopted to read as follows:

12.30.010 Jurisdiction and administration.

It shall be the responsibility of the Director of the Parks, Recreation and Cultural Services Department (hereafter “director”) to manage and oversee the planting, care, maintenance and removal of all trees on all streets, rights-of-way, and City-owned public property within the City limits in accordance with the provisions of this chapter.

12.30.020 Tree Board.

The Parks, Recreation and Cultural Services Board is authorized to serve as the City’s Tree Board. The Tree Board shall be advisory to the city council. The primary responsibility of the Tree Board shall be to make policy recommendations concerning the management of trees located on City-owned public property and in City rights-of-way. The Tree Board shall be comprised of all members of the Parks, Recreation and Cultural Services Board acting in an ex officio capacity, and the roles, officers and terms of the Tree Board shall be the same as the Parks, Recreation and Cultural Services Board.

12.30.030 Right-of-way street trees.

A. A right-of-way use permit shall be required and issued by the director for planting street trees in rights-of-way adjacent to the applicant’s property according to the variety and spacing approved in the Engineering Development Guide if such activity does not physically disturb the existing or planned public use of the right-of-way. Planted street trees shall be maintained by the applicant in accordance with the issued right-of-way use permit.

B. A right-of-way use permit shall be required and shall only be issued by the director for the pruning or removal of trees in rights-of-way adjacent to the applicant’s property in compliance with the following:

1) Limits on removal under critical area regulations.

2) No permit shall be issued for removal of trees on rights-of-way that have not been opened with public improvements, including, but not limited to, streets, sidewalks, pathways, and underground or overhead utilities.

3) No trees listed in the Engineering Development Guide as approved street tree varieties shall be removed regardless of size unless the tree is removed by the City as hazardous or causing damage to public or private infrastructure.

4) All significant trees, as defined in SMC 20.20.048, allowed to be removed under clearing and grading regulations shall be replaced with an approved variety of street tree in the area of removal according to the replacement formula in SMC 20.50.360C(1-3). Replacement trees shall be maintained by the applicant in accordance with the issued right-of-way use permit. If the director determines there is no suitable space for replanting street trees in the vicinity of removal, the applicant shall replant at public sites approved by the director or pay a fee in lieu of replacement according to the current City fee schedule to be used exclusively for planting public trees in rights-of-way, parks or other public places.

5) All removed trees or pruned material shall be removed from the right-of-way and the right-of-way shall be restored in accordance with the issued right-of-way use permit.

12.30.040 Adoption of administrative procedures.

The director is authorized to prepare and adopt after public notice and opportunity for public comment procedures, technical standards, and standard plans necessary to facilitate implementation of this chapter, including a list of approved street trees in the Engineering Development Guide after notice and opportunity for public comment. The director shall make recommendations for the fee in lieu of replacement street trees for adoption in the City fee schedule in Chapter 3.01 of the municipal code.

Section 2. Amendment. SMC 12.15.030(C) is hereby amended as follows:

SMC 12.15.030 Right-of-way permit issuance.

(A and B unchanged)

C. Right-of-Way Site Permit. Right-of-way site permit is a specific class of right-of-way permit that may be available for utilities or other parties who do not hold a valid city franchise in accordance with Chapter 12.25 SMC for activities of extended duration which will not further physically disturb the existing or planned public use of the right-of-way once in place. This may include structures, facilities, and uses that involve capital expenditures.

1. Right-of-way site permits, if allowed in the nearest classified land use zone may be issued for:

- a. Accessory uses permitted to the adjacent property such as parking, displays, and signage, provided the proposed use is not required to meet city development standards for any private property development;
- b. Air rights;
- c. Bus shelters/stops;
- d. Construction site/haul roads;
- e. Fences, retaining walls, terracing, and similar structures;
- f. Litter and recycle receptacles placed by private parties;
- g. Special and unique structures such as benches, fountains, clocks, flagpoles, kiosks, banners, street furniture, decorations, bicycle racks, private planters, or any other obstruction to be placed in the right-of-way by an entity other than the city;
- h. Sales structures, including sidewalk cafes, telephone booths or the usage of the right-of-way for the sale of flowers, food, or beverages, newspapers, or other items
- i. Underground rights
- j. Utility facilities;
- k. ~~Planting pruning or removing of street trees.~~

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(remainder of section unchanged)

Section 3. Fee Schedule Amendment. SMC 3.01.030, Parks, recreation and cultural services, is amended to add a Fee in lieu of street tree replacement - \$285.

Section 4. Amendment. SMC 2.55.010 is hereby amended to read as follows:

2.55.010 Created – Purpose.

The Shoreline parks, recreation and cultural services board is hereby created. The board is to provide additional citizen input on park maintenance and operations, design matters, programs and services in sports, leisure and cultural activities, and management of trees located in City-owned public property and in City rights-of-way.

Section 5. Amendment. SMC 2.55.060(B) is hereby amended to read as follows:

2.55.060 Responsibilities.

B. The full board may make reports and recommendations to the city council concerning parks and recreation plans and policies, maintenance, operation and design of parks, public trees and program activities in sports, leisure and cultural services. The board will make recommendations concerning the acquisition, care, maintenance, utilization and disposition of buildings, property and equipment related to parks programs.

Section 6. Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. The ordinance shall take effect and be in full force five days after passage and publication.

ADOPTED BY THE CITY COUNCIL ON JANUARY 23, 2011.

Mayor

ATTEST:

APPROVED AS TO FORM:

Scott Passey
City Clerk

Ian Sievers
City Attorney

Publication Date:
Effective Date:

Attachment B

ORDINANCE NO. 617

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON DESIGNATING A RESPONSIBLE INDIVIDUAL FOR THE MANAGEMENT OF CITY-OWNED PUBLIC TREES IN THE CITY OF SHORELINE AND ESTABLISHING A TREE BOARD

WHEREAS, the Tree City USA program is sponsored by the Arbor Day Foundation in cooperation with the United States Forest Service and the National Association of State Foresters; and

WHEREAS, benefits of joining the Tree City USA program, as outlined by the Arbor Day Foundation, include increased public awareness of social, economical and environmental benefits of urban forestry practices, educational opportunities to improve urban forestry practices, provision of a blueprint for planting and maintaining City-owned trees, and community signage that shows that the community cares about its environment and supports tree preservation and planting; and

WHEREAS, to become a Tree City USA, the City must designate an individual to oversee the planting, care, maintenance and removal of City-owned trees; and

WHEREAS, designating a Tree Board to make tree management recommendations to the City-designated individual is beneficial to Tree City USA programs; and

WHEREAS, the responsibility for issuing right-of-way site permits for planting, pruning or removing streets trees has heretofore been under the direction of Director of Public Works but will now transfer to the Director of Parks, Recreation and Cultural Services Department.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE,
WASHINGTON DO ORDAIN AS FOLLOWS:**

Section 1. New Chapter. A new chapter, Chapter 12.30, *Public Tree Management*, is hereby adopted to read as follows:

12.30.010 Jurisdiction and administration.

It shall be the responsibility of the Director of the Parks, Recreation and Cultural Services Department (hereafter “director”) to manage and oversee the planting, care, maintenance and removal of all trees on all streets, rights-of-way, and City-owned public property within the City limits in accordance with the provisions of this chapter.

12.30.020 Tree Board.

A. The Shoreline Tree Board is hereby created. The board shall be advisory to the city council and supported by the Parks, Recreation and Cultural Services Department, with a primary responsibility for making policy recommendations concerning the management of public trees located on City-owned public property and in City rights-of-way. The Tree Board shall be comprised of seven members who reside in or own property in the city of Shoreline

and who have training or experience in environmental sciences, forestry, horticulture, arboriculture, landscaping, or urban design. Members shall serve without compensation but may be reimbursed for reasonable expenses pursuant to city policies.

B. Member appointments, removal and terms shall be the same as for members of the Parks, Recreation and Cultural Services Board.

C. The board shall elect from its members a chair, who shall preside at all meetings, and a vice-chair. The majority of the board shall constitute a quorum, and a majority vote of those present shall be necessary for any action.

D. The board shall determine a regular meeting schedule, but meetings shall be no more frequent than quarterly. All meetings shall be subject to the Open Public Meetings Act.

12.30.030 Right-of-way street trees.

A. A right-of-way use permit shall be required and issued by the director for planting street trees in rights-of-way adjacent to the applicant's property according to the variety and spacing approved in the Engineering Development Guide if such activity does not physically disturb the existing or planned public use of the right-of-way. Planted street trees shall be maintained by the applicant in accordance with the issued right-of-way use permit.

B. A right-of-way use permit shall be required and shall only be issued by the director for the pruning or removal of street trees in rights-of-way adjacent to the applicant's property in compliance with the following:

1) Limits on removal under critical area regulations.

2) No permit shall be issued for removal of trees on rights-of-way that have not been opened with public improvements, including, but not limited to, streets, sidewalks, pathways, and underground or overhead utilities.

3) No trees listed in the Engineering Development Guide as approved street tree varieties shall be removed regardless of size unless the tree is removed by the City as hazardous or causing damage to public or private infrastructure.

4) All significant trees, as defined in SMC 20.20.048, allowed to be removed under clearing and grading regulations shall be replaced with an approved variety of street tree in the area of removal according to the replacement formula in SMC 20.50.360C(1-3).

Replacement trees shall be maintained by the applicant in accordance with the issued right-of-way use permit. If the director determines there is no suitable space for replanting street trees in the vicinity of removal, the applicant shall replant at public sites approved by the director or pay a fee in lieu of replacement according to the current City fee schedule to be used exclusively for planting public trees in rights-of-way, parks or other public places.

5) All removed trees or pruned material shall be removed from the right-of-way and the right-of-way shall be restored in accordance with the issued right-of-way use permit.

12.30.040 Adoption of administrative procedures.

The director is authorized to prepare and adopt after public notice and opportunity for public comment procedures, technical standards, and standard plans necessary to facilitate implementation of this chapter, including a list of approved street trees in the Engineering Development Guide after notice and opportunity for public comment. The director shall make recommendations for the fee in lieu of replacement street trees for adoption in the City fee schedule in Chapter 3.01 of the municipal code.

Section 2. Amendment. SMC 12.15.030(C) is hereby amended as follows:

SMC 12.15.030 Right-of-way permit issuance

(A and B unchanged)

C. Right-of-Way Site Permit. Right-of-way site permit is a specific class of right-of-way permit that may be available for utilities or other parties who do not hold a valid city franchise in accordance with Chapter 12.25 SMC for activities of extended duration which will not further physically disturb the existing or planned public use of the right-of-way once in place. This may include structures, facilities, and uses that involve capital expenditures.

1. Right-of-way site permits, if allowed in the nearest classified land use zone may be issued for:
 - a. Accessory uses permitted to the adjacent property such as parking, displays, and signage, provided the proposed use is not required to meet city development standards for any private property development;
 - b. Air rights;
 - c. Bus shelters/stops;
 - d. Construction site/haul roads;
 - e. Fences, retaining walls, terracing, and similar structures;
 - f. Litter and recycle receptacles placed by private parties;
 - g. Special and unique structures such as benches, fountains, clocks, flagpoles, kiosks, banners, street furniture, decorations, bicycle racks, private planters, or any other obstruction to be placed in the right-of-way by an entity other than the city;
 - h. Sales structures, including sidewalk cafes, telephone booths or the usage of the right-of-way for the sale of flowers, food, or beverages, newspapers, or other items
 - i. Underground rights
 - j. Utility facilities;
 - k. ~~Planting pruning or removing of street trees.~~

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(remainder of section unchanged)

Section 3. Fee Schedule Amendment. SMC 3.01.030, Parks, recreation and cultural services, is amended to add a Fee in lieu of street tree replacement - \$285.

Section 4. Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. The ordinance shall take effect and be in full force five days after passage and publication.

ADOPTED BY THE CITY COUNCIL ON JANUARY 23, 2012.

Mayor

ATTEST:

APPROVED AS TO FORM:

Scott Passey
City Clerk

Ian Sievers
City Attorney

Publication Date:
Effective Date:


RECOMMENDED STREET TREE PLANTING SCHEDULE - Shoreline, WA.

Small Trees: 15' to 25' Height. Appropriate under lower power lines. Good for standard 5' planting strips.

Botanical Name Common Name	Height in feet	Spread in feet	Flowers	Fall Color	Comments/Notes
<i>Acer ginnala</i> 'Flame' Amur Maple	20	20		red	Select for single stem; can be multi-trunked.
<i>Acer grandidentatum</i> 'Schmidt' Rocky Mt. Glow Maple	25	15		yellow to red	Intense Fall color.
<i>Acer griseum</i> Paperbark Maple	25	20		red	Smooth, peeling, cinnamon colored bark.
<i>Acer palmatum</i> Japanese Maple	20	24	small red	yellow, orange, red	Hundreds of varied cultivars. Can be slow growing.
<i>Acer platanoides</i> 'Globosum' Globe Norway Maple	15	18		yellow	Rounded top, aka lollipop top, and compact growth.
<i>Amelanchier x grandiflora</i> 'Princess Diana' Serviceberry	25	20	white	bright red	Good for limited space. Select for single stem.
<i>Amelanchier x grandiflora</i> 'Autumn Brilliance' Serviceberry	20	15	white	bright red	Reliable bloom. Light grey bark.
<i>Cercis canadensis</i> Eastern Redbud	25	30	pink	yellow	Blooms before leaves are out.
<i>Cornus kousa</i> 'Chinensis' Chinese Kousa Dogwood	20	20	white	reddish to scarlet	Most resistant to diseases of dogwood, drought resistant.
<i>Fraxinus pennsylvanica</i> 'Johnson' Leprechaun Ash	18	16		yellow	A miniature in every way.
<i>Magnolia x loebneri</i>	20	20	white	yellow	Single stem cultivars with mature height of 20'.
<i>Oxydendrum arboretum</i> Sourwood	20	15	white	orange, scarlet	Slow growing.

RECOMMENDED STREET TREE PLANTING SCHEDULE - Shoreline, WA.

Medium Trees: 26' to 49' Height. Not appropriate under lower power lines. Good for standard 5' or larger planting strips (wider planting strips recommended where space allows).

Botanical Name Common Name	Height in feet	Spread in feet	Flowers	Fall Color	Comments/Notes
<i>Acer campestre</i> 'Evelyn' Queen Elizabeth Maple	35	30		yellow	More upright branching than the species.
<i>Acer platanoides</i> 'Columnar' Columnar Norway Maple	35	15		yellow	Narrow and upright.
<i>Acer platanoides</i> 'Parkway' Parkway Maple	40	25	yellow	yellow	
<i>Acer pseudoplatanus</i> 'Atropurpureum' Spaethii Maple	40	30		not significant	Leaves green on top, purple underneath.
<i>Acer rubrum</i> 'Bowhall' Bowhall Maple	40	15		yellow orange	Narrow and tightly formed.
<i>Acer rubrum</i> 'Karpick' Karpick Maple	40	20		yellow to red	May work under very high power lines with arborist's approval.
<i>Acer rubrum</i> 'Scarsen' Scarlet Sentinel Maple	40	20		yellow orange	
<i>Acer truncatum x A. platanoides</i> 'Keithsform' Norwegian Sunset Maple	35	25	yellow	yellow- orange/red	
<i>Acer truncatum x A. platanoides</i> 'Warren Red' Pacific Sunset Maple	30	25	yellow	yellow- orange/red	Early Fall color.
<i>Aesculus x carnea</i> 'Briottii' Red Horsechestnut	30	35	large 10" red clusters	no	Smaller and resists heat and drought better than other horse chestnuts.
<i>Betula jacquemontii</i> Jacquemontii Birch	40	30		yellow	White bark makes for good winter interest.
<i>Carpinus betulus</i> 'Columnar' Columnar European Hornbeam	40	20		yellow	
<i>Carpinus betulus</i> 'Fastigiata' Pyramidal European Hornbeam	35	25		yellow	Symmetrical, heat and drought resistant.
<i>Fagus sylvatica</i> 'Dawyck Purple' Dawyck Purple Beech	40	12		no	Purple foliage, branches erect and close together.
<i>Fraxinus americana</i> 'Autumn Applause' Ash	40	25		purple	
<i>Fraxinus pennsylvanica</i> 'Patmore' Patmore Ash	45	35		yellow	Extremely hardy, may be seedless.
<i>Ginkgo biloba</i> 'Autumn Gold' Autumn Gold Ginko	45	35		yellow	
<i>Ginkgo biloba</i> 'Princeton Sentry' Princeton Sentry Ginko	40	15		yellow	Very narrow growth.
<i>Gleditsia triacanthos</i> Shademaster Honeylocust	45	35	not noticeable	yellow	Do not confuse with 'Sunburst'.
<i>Koelreuteria paniculata</i> Goldenrain Tree	30	30	bright yellow	yellow	Midsummer blooming.

<i>Malus</i> 'Tschonoskii' Tschonoskii Crabapple	28	14	white	scarlet	Sparse green fruit, pyramidal.
<i>Parrotia persica</i> Persian Parrotia	30	20	Showy Stamens	yellow - orange red	Select for single stem; can be multi-trunked.
<i>Pyrus calleryana</i> 'Aristocrat' Pear	40	28	white	red	
<i>Pyrus calleryana</i> 'Autumn Blaze' Pear	30	25	white	scarlet	Vigorous.
<i>Pyrus calleryana</i> 'Capital' Pear	35	12	white	copper	Smaller than 'Aristocrat', may break up in snow.
<i>Pyrus calleryana</i> 'Redspire' Pear	35	25	white	yellow to red	Pyramidal.
<i>Quercus alba</i> x <i>Quercus robur</i> 'Chrimschmidt' Crimson Spire Oak	45	15		rusty red	Columnar, mildew resistant.
<i>Quercus robur</i> 'fastigiata' Skyrocket Oak	45	15		yellow- brown	Columnar variety of oak.
<i>Styrax japonicus</i> Japanese Snowbell	25	25	white	yellow	Plentiful, green ½" seeds.
<i>Tilia americana</i> x <i>euchlora</i> 'Redmond' Redmond Linden	35	20	fragrant	yellow	Pyramidal, needs water.
<i>Tilia cordata</i> 'Chancole' Linden	35	20	not noticeable	yellow	Pyramidal.
<i>Tilia cordata</i> 'Chancole' Chancelor Linden	35	20	not noticeable	yellow	Pyramidal.
<i>Tilia cordata</i> 'Greenspire' Greenspire Linden	40	30		yellowish	Symmetrical, pyramidal form.
<i>Zelkova serrata</i> 'Musashino' Musashino Zelkova	45	20			
<i>Zelkova serrata</i> 'Village Green' Village Green Zelkova	40	38		rusty red	



RECOMMENDED STREET TREE PLANTING SCHEDULE - Shoreline, WA.

Large Trees: Not appropriate under wires. Good for planting strips greater than 8' (wider planting strips recommended where space allows).

Botanical Name Common Name	Height in feet	Spread in feet	Flowers	Fall Color	Comments/Notes
<i>Acer freemanii</i> Autumn Blaze Maple	50	40		orange-red	
<i>Acer nigrum</i> 'Greencolumn' Greencolumn Maple	50	20		yellow- apricot	Good heat resistance.
<i>Acer platanoides</i> 'Emerald Queen' Emerald Queen Maple	50	40		yellow	
<i>Cercidiphyllum japonicum</i> Katsura Tree	40	40		yellow to orange	Heart-shaped foliage.
<i>Fagus sylvatica</i> 'Zlatia' Zlatia Beech	50	35		yellow to golden green	Slow growing.
<i>Fraxinus pennsylvanica</i> 'Urbanite' Urbanite Ash	50	40		deep bronze	
<i>Quercus ruba</i> Red Oak	50	45		red	Fast growing.
<i>Ulmus parvifolia</i> 'Emer II' PP#7552 Allee Elm	50	35		yellow - orange to rust red	Disease tolerant: Dutch Elm and Phloem Necrosis.