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Council Meeting Date: February 13, 2006

Agenda Item: 7(g)

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**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b> Adoption of Ordinance No 411 Amending Interim Controls on Removal of Hazardous Trees
<b>DEPARTMENT:</b> City Manager, City Attorney
<b>PRESENTED BY:</b> Ian R. Sievers, City Attorney

**PROBLEM / ISSUE STATEMENT:**

On January 3, 2006 the Council passed Ordinance 407 adopting a four month moratorium on removal of hazardous trees and enacting interim regulations for removal of these trees. A public hearing was held on the moratorium and interim zoning control on February 6, 2006 pursuant to RCW 35A.63.220. Following the public hearing the Council voted to amend the interim controls to add "recreational trails" to the locations where the interim exemption for removal of hazardous trees would apply. Proposed Ordinance 411 makes this amendment to the interim controls.

The term of the interim control remains four months from the effective date of Ordinance 407 or May 11, 2006.<sup>1</sup>

**RECOMMENDATION**

Staff recommends that the City pass Ordinance No 411 amending interim zoning controls for the removal of hazardous trees.

Approved By: City Manager  City Attorney 

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<sup>1</sup> Ordinance 407 did not receive the majority plus one votes needed for the emergency declaration and immediate effective date. RCW 35A.12.130. Therefore its effective date became January 11, five days from publication rather than January 3.

## ORDINANCE NO. 411

### AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AMENDING INTERIM CONTROLS PROHIBITING THE CUTTING OF TREES IN CRITICAL AREAS AND PROHIBITING LAND CLEARING OR GRADING IN CRITICAL AREAS

WHEREAS, an interim control for removal of hazardous trees was adopted by Ordinance No. 407 on January 3, 2006 to allow the City to preserve planning options and prevent substantial change to critical areas while the Planning Commission and city staff engage the public and various stakeholder groups in crafting permanent development regulations, including but not limited to such alternatives as a vegetation management plan; and

WHEREAS, the Council determined that the interim control should be amended to expand the locations where hazardous trees may be removed without a permit to include recreational paths; now, therefore,

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

**Section 1. Amendment.** The interim control adopted in Section 3 of Ordinance No. 407 is amended to read as follows:

#### **Emergency situations on private property involving danger to life or property or substantial fire hazards.**

In addition to other exemptions of Subchapter 5 of the Development Code, SMC 20.50.290-.370, the proposed cutting of any tree or clearing vegetation that is an immediate threat to public health and safety shall be allowed without a permit if it is evaluated and authorized by the City prior to such work being performed. The evaluation shall be done using the International Society of Arboriculture method, Hazard Tree Analysis for Urban Areas, in its most recent adopted form. Authorization to cut or clear vegetation under this exemption may only be given if the City concludes that the condition constitutes an actual and immediate threat to life or property in homes, private yards, buildings, public or private streets and driveways, improved utility corridors, recreational trails or access for emergency vehicles. The party proposing cutting or clearing under this exemption shall contact the City regarding the emergency prior to taking the action and shall allow City access to assess the hazardous vegetation prior to, during and after removal and to assure compliance with conditions. If deemed by the City to be necessary, the City may retain, at the applicant's cost, an arborist/tree consultant to evaluate the request prior to any final determination. The City shall

authorize only such alteration to existing trees and vegetation as may be necessary to eliminate the hazard and shall condition authorization on means and methods of removal necessary to minimize environmental impacts, including replanting. Any authorized work shall be done utilizing hand implements only and the City may require that all or a portion of cut materials be left on-site.

**Section 2. Effective Date, Publication.** A summary of this ordinance consisting of the title shall be published in the official newspaper of the City and the ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON FEBRUARY 13, 2006

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Mayor Robert Ransom

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Scott Passey  
City Clerk

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Ian Sievers  
City Attorney

Date of Publication: , 2006  
Effective Date: , 2006

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