

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Ordinance No. 960 - Amending Shoreline Municipal Code Chapter 12.30 Public Tree Management
DEPARTMENT:	Administrative Services
PRESENTED BY:	Sara Lane, Administrative Services Director
ACTION:	<input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

The City reorganized its Parks, Recreation, and Cultural Services Department in 2020 and responsibilities for management of Public Trees was transferred to the Parks, Fleet and Facilities Manager. Shoreline Municipal Code (SMC) Chapter 12.30 has not been updated to reflect this change. In reviewing proposed amendments from residents and the PRCS/Tree Board, staff identified multiple housekeeping and clarity amendments to the SMC Chapter 12.30. Proposed Ordinance No. 960 (Attachment A) incorporates these staff-recommended housekeeping amendments. Council discussed the PRCS/Tree Board proposed amendments and the staff-recommended amendments included in proposed Ordinance No. 960 at its regular meeting on April 4, 2022. Council directed staff to return proposed Ordinance No. 960 tonight for action on the consent calendar.

RESOURCE/FINANCIAL IMPACT:

There are no fiscal impacts to the staff recommended actions.

RECOMMENDATION

Staff recommends that the City Council adopt Ordinance No. 960 providing housekeeping amendments for SMC Chapter 12.30 - Public Tree Management.

Approved By: City Manager **DT** City Attorney **MK**

BACKGROUND

The City reorganized its Parks, Recreation, and Cultural Services Department in 2020 and responsibilities for management of Public Trees was transferred to the Parks, Fleet and Facilities Manager. Shoreline Municipal Code (SMC) Chapter 12.30 has not been updated to reflect this change. In reviewing proposed amendments from residents and the PRCS/Tree Board, staff identified multiple housekeeping and clarity amendments to the SMC Chapter 12.30. Proposed Ordinance No. 960 (Attachment A) incorporates these staff-recommended housekeeping amendments.

Council discussed the PRCS/Tree Board proposed amendments on April 4, 2022 and elected not to move forward the proposed amendments recommended by the Board regarding codifying the notification of public tree removal. Council also discussed the staff-recommended amendments included in proposed Ordinance No. 960 on April 4th and directed staff to return the proposed Ordinance on tonight's consent agenda for Council action. The staff report for the April 4th Council discussion can be found at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2022/staffreport040422-8a.pdf>.

DISCUSSION

The amendments in proposed Ordinance No. 960 include a change to the delegated authority position title from the Parks, Recreation and Cultural Services (PRCS) Director to the Parks, Fleet and Facilities Manager, clarifies the process for tree removal under a ROW permit, which is approved by the Public Works Director, and provides for other amendments that help clarify the Code. A summary of the proposed changes is as follows:

SMC Section	Explanation of Proposed Housekeeping Amendments to Public Tree Management Code (SMC Chapter 12.30)
12.30.010	Reflects the delegated authority position title change to reflect the current organizational structure.
12.30.020	Adds the establishing Code section of the Parks, Recreation and Cultural Services Board and streamlines the Code language for public trees.
12.30.030A	Splits this Code section into two subsections for clarity; updates the position title change; eliminates a redundant statement regarding notice and opportunity for comment that is already included at the end of the subsection; and corrects the title of the City's Engineering Development Manual.
12.30.030B	Splits this Code section into two subsections for clarity; updates the position title change; provides some clean-up to the Code language regarding the City's fee schedule; and codifies a statement of what the fee in lieu of replacement trees shall be used for.

12.30.040A	Adds a subsection title; changes the ‘director’ reference to the Public Works Director to reflect that the Public Works Department, not the Manager of Parks, Fleet and Facilities, issues ROW use permits; corrects the title of the City’s Engineering Development Manual; and moves the requirement of the maintenance of planted trees out of this subsection and to new subsection 12.30.040C.
12.30.040B	Adds a subsection title and provides some clean-up to the Code language.
12.30.040B(1)	No change proposed.
12.30.040B(2)	Provides some clean-up and clarity to the Code language.
12.30.040B(3)	Corrects the title of the City’s Engineering Development Manual and provides some clean-up and clarity to the Code language, including that a certified arborist determines when a tree is hazardous or causing damage to infrastructure.
12.30.040B(4)	Clarifies that removal is authorized under this section, not the City’s clearing and grading regulations; moves the requirement of the maintenance of replacement trees out of this subsection and to new subsection 12.30.040C; and provides some clean-up to the Code language.
12.30.040B(5)	No change proposed.
12.30.040C	Moves maintenance of public trees for both planted and replacement trees to this subsection.

RESOURCE/FINANCIAL IMPACT

There are no fiscal impacts to the staff recommended actions.

RECOMMENDATION

Staff recommends that the City Council adopt Ordinance No. 960 providing housekeeping amendments for SMC Chapter 12.30 - Public Tree Management.

ATTACHMENTS

Attachment A – Proposed Ordinance No. 960
Attachment A, Exhibit A – Amendments to SMC Chapter 12.30 – Public Tree Management

ORDINANCE NO. 960

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING CHAPTER 12.30 PUBLIC TREE MANAGEMENT OF THE SHORELINE MUNICIPAL CODE TO PROVIDE CLARITY AND TO REFLECT CURRENT DELEGATION AUTHORITY AND PRACTICES.

WHEREAS, the City of Shoreline is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington; and

WHEREAS, in 2012, with the adoption of Ordinance No. 617, the City established Chapter 12.30 Public Tree Management of the Shoreline Municipal Code (SMC) so as to be recognized as a *Tree City USA*, a program sponsored by the Arbor Day Foundation in cooperation with the United States Forest Service and the National Association of State Foresters; and

WHEREAS, recent amendments proposed by citizens to SMC Title 20, Unified Development Code, and to SMC Chapter 12.30, provided City Staff with the opportunity to review this Chapter which has not been amended since its initial establishment; and

WHEREAS, on April 4, 2021, the City Council discussed the proposed amendments, which are designed to provide clarity and to reflect current delegation authority and practices; and

WHEREAS, the City Council has considered the entire public record, public comments, written and oral, and has determined that the amendments to Chapter 12.30 are in the best interests of the citizens of Shoreline and the health, safety, and welfare of the City;

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

Section 1. Amendments. Chapter 12.30 Public Tree Management. Chapter 12.30 of the Shoreline Municipal Code, Public Tree Management, is amended as set forth in Exhibit A to this Ordinance.

Section 2. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this Ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

Section 3. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any person or situation.

Section 4. Publication and Effective Dates. A summary of this Ordinance consisting of the title shall be published in the official newspaper and shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON APRIL 18, 2022.

Keith Scully, Mayor

ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik Smith
City Clerk

Julie Ainsworth-Taylor
Assistant City Attorney
On behalf of Margaret King
City Attorney

Date of Publication: , 2022
Effective Date: , 2022

ORDINANCE No. 960

EXHIBIT A

Chapter 12.30

PUBLIC TREE MANAGEMENT

Sections:

- 12.30.010 Jurisdiction and administration.
- 12.30.020 Tree board.
- 12.30.030 Adoption of administrative procedures.
- 12.30.040 Public trees in the r~~Right-of-way street trees.~~

12.30.010 Jurisdiction and administration.

It shall be the responsibility of the ~~director of the parks, recreation and cultural services department~~ parks, fleet, and facilities manager (hereafter “~~director~~” “manager”) to manage and oversee the planting, care, maintenance, and removal of all trees on ~~all streets, public rights-of-way, and city-owned public property within the city limits~~ (collectively, “public trees”) in accordance with the provisions of this chapter.

12.30.020 Tree board.

The parks, recreation and cultural services board, created pursuant to chapter 2.55 SMC, shall 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 public 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 Adoption of administrative procedures.

A. ~~The director~~ manager 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~~ Manual after notice and opportunity for public comment.

B. ~~The director~~ manager shall make recommendations for ~~the~~ a fee in lieu of replacement street trees for adoption in the city fee schedule established by the city council as provided in Chapter 3.01 SMC and utilized for this chapter and SMC 20.50.360. The fee in lieu shall be used solely for the cost of planting and establishing public trees.

12.30.040 Public trees in the r~~Right-of-way street trees.~~

A. Planting of public trees. A right-of-way use permit shall be required and issued by the director of public works ~~the parks, recreation and cultural services department~~ (hereafter “~~director~~”) for planting street public trees in rights-of-way adjacent to ~~the~~ an applicant’s property according to the variety and spacing approved in the Engineering Development ~~Guide~~ Manual 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. Non-exempt pruning and removal of public trees. A right-of-way use permit shall be required and ~~shall only be~~ issued by the director for the nonexempt pruning or removal of public trees in rights-of-way adjacent to ~~the~~ an applicant's property ~~in compliance with~~ subject to the following:

1. Limits on removal under critical area regulations.
2. ~~No permit shall be issued for removal of trees~~ Public tree removal is prohibited 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 Manual as approved ~~street tree varieties~~ for planting within rights-of-way shall be removed, regardless of size, unless ~~the tree is removed by the city~~ deemed by a certified arborist as hazardous or causing damage to public or private infrastructure.
4. All existing public trees six inches in diameter at breast height or greater 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 20.50.360(C)(1) through (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~~ planting of the replacement trees in the vicinity of removal, the director will determine whether ~~the~~ an applicant shall replant at public sites approved by the director or pay a fee in lieu as established in this chapter ~~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.

C. Maintenance of public trees. All planted trees and replacement trees shall be maintained in good health and condition by an applicant, or their successor in interest, in accordance with the issued right-of-way use permit or other authorizing permit.