

AGENDA

CITY OF SHORELINE PLANNING COMMISSION SPECIAL MEETING



**Thursday, February 26, 2009
7:00 p.m.**

**Shoreline Conference Center
18560 1st Ave. NE | Mt. Rainier Room**

	<u>Estimated Time</u>
1. CALL TO ORDER	7:00 p.m.
2. ROLL CALL	7:01 p.m.
3. APPROVAL OF AGENDA	7:02 p.m.
4. DIRECTOR'S COMMENTS	7:03 p.m.
5. APPROVAL OF MINUTES	7:08 p.m.
a. none	
6. GENERAL PUBLIC COMMENT	7:09 p.m.
<i>During the General Public Comment period, the Planning Commission will take public comment on any subject which is not of a quasi-judicial nature or specifically scheduled later on the agenda. Each member of the public may comment for up to two minutes. However, the General Public Comment period will generally be limited to twenty minutes. The Chair has discretion to limit or extend time limitations and the number of people permitted to speak. Speakers are asked to come to the front of the room to have their comments recorded and must clearly state their first and last name, and city of residence. During Public Hearings, the public testimony or comment follows the Staff Report. The rules for procedure for Public Hearings before the Planning Commission are further defined in Resolution No. 182.</i>	
7. PUBLIC HEARING <i>Legislative Public Hearing</i>	7:15 p.m.
a. Development Code Amendments #301543	
1. Staff Overview and Presentation of Preliminary Staff Recommendation	
2. Questions by the Commission to Staff	
3. Public Testimony or Comment	
4. Final Questions by the Commission	
5. Close Public Hearing	
6. Deliberations	
7. Vote by Commission to Recommend Approval or Denial or Modification	
8. DIRECTOR'S REPORT	8:45 p.m.
9. UNFINISHED BUSINESS	8:50 p.m.
10. NEW BUSINESS	
a. Report on Council Scoping Session on Tree Regulations	8:55 p.m.
b. Point Wells Draft SEIS	9:30 p.m.
11. REPORTS OF COMMITTEES & COMMISSIONERS/ANNOUNCEMENTS	9:50 p.m.
12. AGENDA FOR March 5, 2009	9:55 p.m.
13. ADJOURNMENT	10:00 p.m.

The Planning Commission meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 801-2230 in advance for more information. For TTY telephone service call 546-0457. For up-to-date information on future agendas call 801-2236.

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PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Public Hearing on Development Code Amendments, Application #301543
DEPARTMENT: Planning and Development Services
PRESENTED BY: Steven Szafran, AICP, Associate Planner Steven Cohn, Senior Planner

BACKGROUND

The Commission held a study session to consider these proposed amendments to the Development Code on December 4, 2008. Tonight's hearing is an opportunity for the public to comment on the proposed amendments and for the Commission to review requested changes and additional information.

Based on comments at the study session, the amendment proposal for requiring electric vehicle recharging stations and parking has been deleted from this application. Language addressing food waste and adequate storage space for collection areas was added to the amendment for garbage and recycling areas. The other amendments have not changed in content, although some minor edits have been added.

The proposed modifications are attached in legislative format (with underlining and strikeouts). Staff has revised the written summary of the background and analysis on the particular amendment that preceded the requested changes based on discussions and comments at the study session.

Following the hearing, staff recommends that the Commission discuss the proposals and develop a recommendation that night to forward to the City Council for adoption.

Steven Szafran will attend the public hearing to respond to your comments. If you have questions before then, please contact Steven at 801-2512 or email him at sszafran@shorelinewa.gov prior to the meeting.

ATTACHMENTS

A: Proposed Development Code Amendments, Application #301543

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**Appendix A:
Proposed Development Code Amendments
Application #301543**

*All insertions are marked as underlined, while all deletions are marked as ~~strikethroughs~~. Staff justification for each change is included below the suggested revision in *italics*. Revised staff comments based on Planning Commission discussion at the December 4, 2008 study session are in **bold**.

AMENDMENT NO. 1

This code amendment would strike “condominium” and “interests” from certain code sections dealing with divisions of land.

20.30.370 Purpose

~~Subdivision is a mechanism by which to divide land into lots, parcels, sites, units, plots, condominiums, tracts, or interests for the purpose of sale.~~ The purposes of subdivision regulations are:

- A. To regulate division of land into two or more lots or, condominiums, tracts ~~or interests~~;
- B. To protect the public health, safety and general welfare in accordance with the State standards;
- C. To promote effective use of land;
- D. To promote safe and convenient travel by the public on streets and highways;
- E. To provide for adequate light and air;
- F. To facilitate adequate provision for water, sewerage, stormwater drainage, parks and recreation areas, sites for schools and school grounds and other public requirements;
- G. To provide for proper ingress and egress;
- H. To provide for the expeditious review and approval of proposed subdivisions which conform to development standards and the Comprehensive Plan;
- I. To adequately provide for the housing and commercial needs of the community;
- J. To protect environmentally sensitive areas as designated in the critical area overlay districts chapter, Chapter 20.80 SMC, Special Districts;
- K. To require uniform monumenting of land subdivisions and conveyance by accurate legal description. (Ord. 238 Ch. III § 8(b), 2000).

20.30.380 Subdivision categories.

- A. Lot Line Adjustment: A minor reorientation of a lot line between existing lots to correct an encroachment by a structure or improvement to more logically follow topography or other natural features, or for other good cause, which results in no more lots than existed before the lot line adjustment.
- B. Short Subdivision: A subdivision of four or fewer lots.
- C. Formal Subdivision: A subdivision of five or more lots.
- D. Binding Site Plan: A land division for commercial and industrial ~~and~~ ~~condominium~~ type of developments.

Note: When reference to “subdivision” is made in this Code, it is intended to refer to both “formal subdivision” and “short subdivision” unless one or the other is specified. (Ord. 238 Ch. III § 8(c), 2000)

Section 20.30.370 and Section 20.30.380 includes the terms “condominium” and “interests” as divisions of land. The City Attorney has determined condos and interests are not divisions of land and should not be subject to subdivision regulations. This code amendment will strike “condominium” and “interest” from these code sections.

At the Planning Commission study session, public testimony and Commission discussion focused on why condominiums are not treated like subdivisions in the Shoreline Development Code. The City Attorney explained that condos are a form of ownership and not a division of land and does not believe condos should be listed in sections 20.30.370 and 20.30.380, sections that deal with land divisions.

In hearing from residents of the Highland Terrace neighborhood at the December 4, 2008 Planning Commission meeting, staff concluded that two of the issues that underlay their concerns about the subdivision code changes were: 1) the ability to “round up” and place an additional housing unit on the property even though there is not quite enough property area to meet minimum lot size requirements if a site were platted or short platted, and 2) the issue of tree removal that will occur as property is developed.

Staff believes that retention of the existing language will not materially impact the number of units that can be built or the number of trees retained on a site. If the Commission would like to address the issue of “rounding up”, staff suggests that the Commission review 20.50.020, Exception #7 later this year. As for the issue of tree cutting, staff has begun work on the tree code; Commission review of the tree code regulations will directly impact whether or not more trees will be left standing on a given site after development.

AMENDMENT NO. 2

Staff recommends deleting #4 from 20.30.410 to eliminate confusion and redundancy.

20.30.410 Preliminary subdivision review procedures and criteria.

The preliminary short subdivision may be referred to as a short plat – Type B action.

The preliminary formal subdivision may be referred to as long plat – Type C action.

Review criteria: The following criteria shall be used to review proposed subdivisions:

A. Environmental.

1. Where environmental resources exist, such as trees, streams, ravines or wildlife habitats, the proposal shall be designed to fully implement the goals, policies, procedures and standards of the critical areas chapter, Chapter [20.80](#) SMC, Critical Areas, and the tree conservation, land clearing and site grading standards sections.
2. The proposal shall be designed to minimize grading by using shared driveways and by relating street, house site and lot placement to the existing topography.
3. Where conditions exist which could be hazardous to the future residents of the land to be divided, or to nearby residents or property, such as, flood plains, steep slopes or unstable soil or geologic conditions, a subdivision of the hazardous land shall be denied unless the condition can be permanently corrected, consistent with subsections (A) (1) and (2) of this section.
- ~~4. The proposal shall be designed to minimize off site impacts, especially upon drainage and views.~~

All preliminary subdivisions must demonstrate adequate levels of service. A review of a conceptual stormwater drainage system is performed in conjunction with preliminary plat review to verify adequacy of the existing and proposed drainage system. 20.30.410 (A) (4) is redundant as this regulation is addressed in Section 20.30.410 (D) and Section 20.60.070.

In addition to the redundancy regarding drainage review, #4 also makes reference to views. The City of Shoreline does not have any regulations, ordinances, or supporting language in the development code regarding views. It is impossible for staff to regulate offsite impacts concerning views. It is misleading to the general public that comments regarding views can be evaluated. Staff recommends deleting #4 from 20.30.410 to eliminate confusion and redundancy.

As staff notes in the comments about 20.30.370, we believe adoption of the amendments will have no impact on the issues raised by residents of the Highland Terrace neighborhood.

AMENDMENT NO. 3

This amendment would add additional explanation to the section title and add a requirement about the size of storage areas for waste and recycling in multifamily buildings of a specific size.

20.50.150 Storage space for the collection of trash, recyclables, and food waste and service area location and screening – Standards.

Developments shall provide storage space for the collection of garbage, recyclables, and food waste consistent with Shoreline's current service provider as follows:

- A. The storage space shall be provided at the rate of:
 1. One 16' X 10' (10' X 10' for garbage containers and 6' X 10' for recycle and food waste containers) collection area for every 30 dwelling units in a multifamily building ~~and one-half square feet per dwelling unit in multiple-dwelling developments~~ except where the development is participating in a City-sponsored or approved direct collection program in which individual recycling bins are used for curbside collection;
 2. The storage space for residential developments shall be apportioned and located in collection points as follows:
 - a. The required storage area shall be dispersed in collection points throughout the site when a residential development comprises more than one building.
 - b. There shall be one collection point for every 30 dwelling units.
 - c. Collection points may be located within residential buildings, in separate buildings/structures without dwelling units, or outdoors.
 - d. Collection points located in separate buildings/structures or outdoors shall be no more than 200 feet from a common entrance of a residential building.
 - e. Collection points shall be located in a manner so that hauling trucks do not obstruct pedestrian or vehicle traffic on-site, or project into any public right-of-way.
- B. The collection points shall be designed as follows:
 1. Dimensions of the collection points shall be of sufficient width and depth to enclose containers for recyclables.

Item 7.a - Attachment A

2. Architectural design of any structure enclosing an outdoor collection point or any building primarily used to contain a collection point shall be consistent with the design of the primary structure(s) on the site.
3. Collection points shall be identified by signs not exceeding two square feet.
4. A six-foot wall or fence shall enclose any outdoor collection point.
5. Enclosures for outdoor collection points and buildings used primarily to contain a collection point shall have gate openings at least ~~12~~ 10 feet wide for haulers. In addition, the gate opening for any building or other roofed structure used primarily as a collection point shall have a vertical clearance of at least 12 feet.
6. Weather protection of garbage, recyclables, and food waste shall be ensured by using weatherproof containers or by providing a roof over the storage area.

Section 20.50.150 lists the regulations for storage space of garbage and recyclable materials. The section header is misleading and has been changed to make finding specific regulations easier.

The Planning Commission requested that “food waste” be added into this section. Staff has contacted CleanScapes and made the necessary additions to accommodate the added requirements.

AMENDMENT NO. 4

Staff is no longer recommending this amendment.

~~Table 20.50.390E — Electric Vehicle Parking Standards~~

<u>RESIDENTIAL USE</u>	<u>MINIMUM SPACES REQUIRED</u>
<u>Developments with 100 units or more:</u>	<u>1 parking space per development</u>
<u>COMMERCIAL USE</u>	
<u>New commercial building:</u>	<u>1 parking space per building</u>

~~In addition to required parking spaces, EV parking facilities shall include:~~

- ~~• EV parking spaces are required to be ADA accessible.~~
- ~~• EV parking shall be in a conspicuous location, close to a main building entrance and the EV charging station electrical panel.~~
- ~~• Prepare for future installation of EV charging stations by providing sufficient panel space, installing conduit, ventilation, and lighting.~~
- ~~• Charger and lighting electric panels should be located as close as possible to anticipated charging stations.~~

Item 7.a - Attachment A

~~Table 20.50.390E is a new addition to the parking section of the Development Code. Councilmember Eggen suggested adding regulations concerning electric vehicles. Staff recommends placing the infrastructure necessary to accommodate future electric vehicle facilities since the market has not reached this part of the country yet. Installing the infrastructure during construction of new buildings is minimally more expensive and much less expensive than installing it later.~~

~~Adding facilities for electric vehicles will also support the goals and policies of the recently adopted Sustainability Strategy.~~

Staff did not find enough examples to feel confident in developing a proposal at this time. The issue of electric vehicle recharging facilities might be a topic to be considered in future discussions of the Regional Business zone.

AMENDMENT NO. 5

This proposal consists of one minor amendment.

20.50.440 Bicycle facilities – Standards.

- A. In any developments required to provide six or more parking spaces, bicycle parking shall be provided. Bicycle parking shall be bike rack or locker-type parking facilities unless otherwise specified. Off-street parking areas shall contain at least one bicycle parking space for every 12 spaces required for motor vehicles.
- B. ~~Exception 20.50.440(A)(1):~~ One indoor bicycle storage space shall be provided for every two dwelling units in townhouse and apartment residential uses, unless individual garages are provided for every unit. The Director may reduce the number of bike rack parking spaces if indoor storage facilities are available to all residents.
- Exception 20.50.440(A)(~~12~~): The Director may reduce bike rack parking facilities for patrons when it is demonstrated that bicycle activity will not occur at that location provided bike rack parking is not completely eliminated.
- Exception 20.50.440(A)(~~23~~): The Director may require additional spaces when it is determined that the use or its location will generate a high volume of bicycle activity. Such a determination will include, but not be limited to,
1. Park/playfield;
 2. Marina;
 3. Library/museum/arboretum;
 4. Elementary/secondary school;
 5. Sports club; or

Item 7.a - Attachment A

6. Retail business (when located along a developed bicycle trail or designated bicycle route).

C. B. Bicycle facilities for patrons shall be designed to allow either a bicycle frame or wheels to be locked to a structure attached to the pavement.



Figure 20.50.440(B): Illustration of bicycle facility suitable for locking a bike to the structure.

D. C. All bicycle parking and storage facilities shall be located within 100 feet of the building entrance and shall be located in safe, visible areas that do not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.

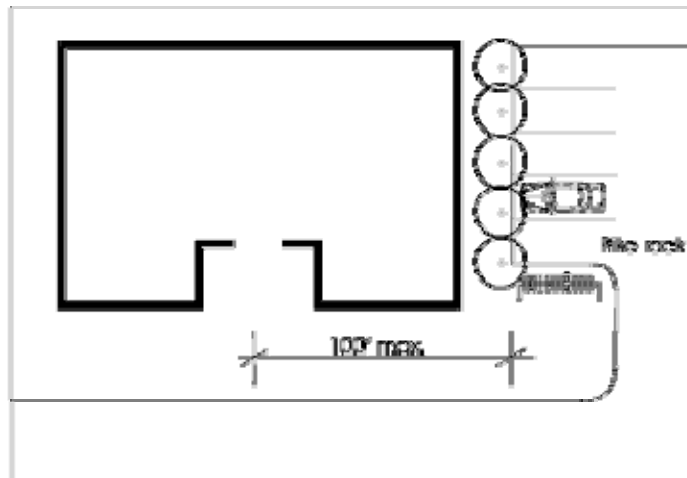


Figure 20.50.440(C): Illustration of desired bicycle facility location.

E. D. When more than 10 people are employed on-site, enclosed locker-type parking facilities for employees shall be provided. The Director shall allocate the required number of parking spaces between bike rack parking and enclosed locker-type parking facilities. (Ord. 238 Ch. V § 6(C-2), 2000).

Staff was asked to look at other jurisdictions for bicycle parking standards and determine if Shoreline's regulations are sufficient. Staff has concluded Shoreline's bicycle parking

Item 7.a - Attachment A

standards are more stringent than all adjacent cities and more stringent than the Cities of Seattle and Portland. The major revision in this section is concerning the first exception (Exception 20.50.440 A 1) now listed as letter "B". Staff believes the new letter "B" should be a regulation and not an exception.

No additional analysis is included with this proposal.

AMENDMENT NO. 6

20.60.050 Adequate fire protection.

All new development shall be served by adequate fire protection as set forth below:

- A. The site of the development proposal is served by a water supply system that ~~provides at 1,000 gallons per minute at a fire hydrant located no farther than 350 feet from the site~~ is consistent with the provisions to Chapter 15.05 of the SMC;
- B. The development proposal has adequate access to a street system or fire lane system that provides life safety/rescue access, and other adopted fire protection requirements for buildings;
- C. The timing of installation of required fire protection improvements for development proposals shall be stated in the project approval or approving ordinance and installed prior to occupancy. The improvements may be secured with a bond or similar security upon approval from the Director and the Fire Marshal. (Ord. 238 Ch. VI § 2(C), 2000).

This is an amendment from the City Attorney to ensure SMC 20.60.050 is consistent with the provisions of Chapter 15.05 of the SMC.

No additional analysis is included with this proposal.

AMENDMENT NO. 7

This amendment would modify parking requirements for North City multifamily development.

20.90.080 Parking, access, and circulation.

- A. Alleys. A system of alleys and access lanes should provide easy access to buildings and parking lots located in the rear of the properties behind the buildings facing 15th Avenue N.E. This alley system is a secondary circulation system that helps avoid too many curb cuts on 15th Avenue N.E. Curb cuts would disrupt the desired pedestrian main street character.

Item 7.a - Attachment A

In Figure 20.90.080 only a portion of the alley system is specifically located to allow for maximum flexibility for an alley system within the alley zone.

This system prohibits alleys or access lanes within 100 ft. from an intersection and 50 ft. from a pedestrian crosswalk.

Also this alley system should provide pedestrian linkages through mid-blocks and between properties. Lighting shall be provided for pedestrian safety.

- B. Parking Location. All surface parking lots shall be located behind buildings.
- C. Required Parking Spaces.
Residential: Minimum ~~1 space/dwelling unit (regardless of number of bedrooms)~~ 1 space for studio unit, 1.3 spaces for 1 bedroom unit, and 1.6 spaces for 2 or more bedroom unit.
Commercial: Minimum 1 space/500 sq. ft. gross floor area.
- D. Parking Access. The number of parking lot entrances, driveways, and curb cuts shall be minimized.
- E. All applicable standards of Chapter 20.50, Subsection 6 (Sections [20.50.380](#) through 20.50.520) shall apply. (Ord. 281 § 7, 2001).

This amendment changes the parking ratios in the North City Business District. The proposed parking regulations mirror the regulation adopted for Planned Area 2 (Ridgecrest Commercial District).

City staff believes that Shoreline's parking standards should be uniform throughout the City. Shoreline's parking code (in all other parts of Shoreline) is based on the number of bedrooms per unit and is not a flat ratio based on the number of units, regardless of unit size.

When the North City Business District plan was adopted, it was anticipated that different uses would share parking. Since most of the district has not yet been redeveloped, shared parking is not occurring. This may result in overflow parking onto nearby streets.

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Memorandum

DATE: February 26, 2009

TO: Shoreline Planning Commission

FROM: Paul Cohen, Senior Planner

RE: 2009 Work Program Item – Tree Code Amendments Scoping

On January 5th City Council reviewed a draft Planning Commission Work Program for 2009. Item 3(c) on that proposed Work Program was titled “amendments to development regulations for trees.” The Council determined it was appropriate to keep this Item on the Planning Commission’s Work Program for 2009, and asked the staff to return on February 9 for a more detailed discussion of what specific issues to include in the scope of the proposed amendments to the tree regulations. On February 9, 2009 Staff presented 10 “decision modules” with Council and asked which ones Council wishes to be included in the scope for the Planning Commission to consider. The Council chose to remove one module because it was related to a code amendment for vegetation management plans in critical areas. The reason for the Planning Commission briefing this week is to discuss Council’s direction on tree code amendments and its review process.

Background

The City Council has discussed the question of the City’s existing tree regulations several times in recent years. In 2005, the Commission recommended and the Council adopted amendments to the provisions for hazardous tree removal, but did not take action on the concept of vegetation management plans for large private holdings. Periodically, the Council and Commission hear from neighbors of short plat projects who argue that the City’s tree preservation regulations for short plats are inadequate. As a preview of citizen concerns I have attached the current comment letters that have been sent to us. Also, included in this attachment is proposed code language by a citizen group concerned with tree preservation.

In spring of 2008, the Council adopted an Environmental Sustainability Strategy, one part of which was a focus to identify a baseline of the City’s tree canopy and

urban forest, adopting a desired future target and monitoring over time. To pursue this strategy, the City would look not only at City-owned properties and rights-of-way, but all publicly owned property in Shoreline (e.g., School District, State, and County-owned parcels). Most of the City is privately owned, however, the primary focus for tree canopy protection in these areas is through the City's development regulations.

The City has substantial adopted policies directing the preservation of trees in Shoreline. The below cited goals, policies, and strategies call for tree and natural environment protection while allowing development.

Comprehensive Plan

- FG2: Promote development that is compatible with the surrounding environment.
- FG5: Protect the natural environment.
- Goal LU XV: Protect, enhance, restore habitat balanced with property owner rights to develop.
- LU10: Design and site development in accordance with the natural environment.
- Vegetation Protection LU107-113
- CD22: Encourage the Pacific Northwest environmental character
- CD23: Preserve significant trees and mature vegetation.
- CD53: Preserve the natural character by minimizing the removal of vegetation and mature trees.

Environmental Sustainability Strategy

- Guiding Principles #7 – Address impacts on forest health and #8 – Proactive management of ecosystem
- Strategic Direction #10 - Forest canopy enhancement efforts
- Objective #21 – Prevent tree canopy loss & Increase forest health city-wide
- Recommendations #49 – Prioritize forest health data collection and improvement projects
- Appendix FI-34 - Measure and reduce the rate of tree canopy loss due to development

Nine “Decision-Modules” to include in the scope of amendments to development regulations dealing with trees (SMC 20.50.290 through .370).

DM-1 Establish a baseline urban forest canopy city wide. This baseline would provide the context for the Council to make a policy decision, most likely in 2010, about a long-range City target for desired tree canopy. The target could be no-net loss of a city-wide percentage of canopy, or an

increase or decrease of some magnitude, keyed to specific schedules. With such a baseline and target in place, the City could then monitor the overall City canopy, say every 5 years, to assess its health and identify any further programs or code amendments as needed.

DM-2 Reorganize SMC 20.50.290 to separate clearing and grading provisions into a different subsection because the intent, purpose, exemptions, and regulations are different. Clearing and grading regulations will need to be modified to be consistent with the newly adopted storm and surface water manual.

DM-3 Change the provision in SMC 20.50.310.B.1 that allows the removal of 6 significant trees every 36 months without permit. This is potentially a huge hole in our city-wide tree canopy because we don't regulate or monitor this provision. Theoretically, if we have 16,000 single family lots then as much as 32,000 significant trees can be removed per year without review or monitoring. People sometimes cut trees that they think are not in a critical area and therefore do not notify the City

DM-4 Amend SMC 20.50.310.A to establish clear criteria and thresholds when a tree is hazardous that is reviewed by a City third party arborist. Add requirements for replacement trees when hazardous trees are removed. Currently, property owners use their own arborists to determine a hazardous tree without thresholds to determine when it is hazardous. If the City doesn't agree with the assessment then we can require a third party assessment. This costs the property owner twice and prolongs a basic decision. Requiring the use of a City's arborist makes the assessment more objective and less costly for everyone.

DM-5 Amend SMC 20.50.360 to allow for reasonable tree replacement ratios and the possibility to replace trees on other land within the City. Most development sites do not have the room to plant all the replacement trees. These replacement trees are easily cut down after the 3 year protection period because they are not defined as significant trees.

DM-6 Amend SMC 20.50.350.B.2 to remove code provisions for 30% preservation of significant trees if a critical area is on site because trees in critical area trees are already protected under the Critical Area provisions of SMC 20.80. A relatively small critical area could trigger 30% preservation on the entire site when the intent is to preserve the critical area and its trees. The change would keep the base significant trees preserved as well as all trees in the critical areas.

DM-7 Amend SMC 20.50.350.B.1 to remove and replace the flat code provision for 20% preservation of significant trees. The existing rule is inequitable because, for example, a site that is covered with 100 trees would have to retain 20 trees, while a small site with only 5 trees would only have to save one. We could devise a more equitable system that requires tree preservation based at least partially on lot size.

DM-8 Reorganize and clarify code provisions SMC 20.50.350.B-D that give the Director flexible criteria to require less or more trees to be preserved so that site design can be more compatible with the trees. The current code requires that all trees with the following qualities shall be preserved - in groves, above 50 feet in height, continuous canopy, skyline features, screen glare, habitat value, erosion control, adjacent to parks and open space, and cottonwoods. In general, these are good qualities but if all these requirements are applied inflexibly, the result would excessively preclude development on many lots.

DM-9 Amend SMC 20.30.770(D) to provide greater clarity and specificity for violations of the tree code. Currently, code enforcement has difficulty proving violation intent and therefore exacting penalties.

The Council gave direction to staff and the Planning Commission to address DM-1 through DM-9. Module DM-1 can be researched and methods to conduct a city-wide survey identified by then, however, to actually conduct such a survey could take many months, even years, depending on methodology, detail and costs. By May staff will have a better time and cost estimation for module DM-1. Modules 2 through 9 could be reasonably drafted and presented to the Planning Commission by May of 2009.

I look forward to discussing these scoping items with the Commission of February 26. If you would like to talk before then, call me at 206 801 2551.

Attachment 1

Item 10.a - Attachment 1

Increase public notice requirements in mailing to 500 feet (King County has this standard).

Reduce the fee for a quasi-judicial land use appeal to hearing examiner to \$150 (King County is \$250, the City of Seattle is \$50, the proposed amount is splitting the difference between the two).

Detail the signage requirements for proposed land use actions to conform to King County in terms of dimensions, make postings the responsibility of the city, the applicant must pay the city for the manufacture & installation of the sign as part of the application fee, ensure that the sign placement is conspicuous, and extend the length of time the sign must be displayed by statute.

Increase the penalty for cutting down trees to that of actual replacement for species and age of the tree cut down or its cost.

Integrate the low income housing goals of the housing plan, the transportation plan, and the sustainability plan into the development plan criteria applied to all land use and building plan reviews, especially when tax exempt applications are brought before the city. These should be specific and equally weighted as other existing criteria. Furthermore, if a developer desires to apply for any tax exemption, the target for affordability should be set at 35-50%, not 70-85% because of the high median income for King County.

Impact fees for parks, schools, the fire department, and transportation need to be implemented. The housing plan will increase lower income families with children who need more intensive educational services than the Shoreline School District has traditionally served. The density that the planning department has been creating has caused the fire department to immediately consider adding one or two aid units immediately to serve residents, add a new type of ladder truck, and in the next 5-10 years build a new fire station. This is not optional, the fire department is required by Washington state law to maintain minimum response times. Because the city has approved nearly any and all applications for rezones, housing, and increased density, the fire department now has a much increased workload. The transportation system of Shoreline has been impacted by this density. Mountlake Terrace, Edmonds, Federal Way, and other similarly sized and built out cities have impact fees. Impact fees do not affect housing prices, the primary forces affecting housing prices in Central Puget Sound are supply and demand related to location, not the suppliers cost.

Paul Cohen

Item 10.a - Attachment 1

From: David Levitan
Sent: Sunday, February 15, 2009 7:59 PM
To: Paul Cohen
Subject: FW: FYI--New Records Request from Hollinrake, John, PD-09-012

Seems to be the last one in this thread.

From: Janet Way [mailto:janetway@yahoo.com]
Sent: Sat 2/14/2009 4:22 PM
To: Chris Eggen; Doris McConnell; Cindy Ryu; Julie Underwood; tbscott2@comcast.net; Doris McConnell; kamatjas@mac.com; ronaldhansen@hansen-mclaughlin.com; Terry Scott; Carolyn Wurdeman; Heidi Costello; Janet Way; Keith McGlashan; Robert Olander; Ronald Hansen
Cc: Joe Tovar; Steve Cohn; David Levitan; Jessica Simulcik Smith; Susan Will; Ian Sievers; Scott Passey
Subject: Re: FYI--New Records Request from Hollinrake, John, PD-09-012

All,
 I appreciate the suggestions and I think that there are many documents that have come to us in the last 6 months that do have to do with trees. Many of us do serve on committees that deal with these issues frequently, so many of those documents would apply.

I will be submitting all the documents that apply to the Evergreen Communities Task Force and WRIA8, since trees and urban forestry are integral to those committees and pertain to tree ordinances from last 6 months.

Also, I do appreciate the assistance of the City Attorneys and of course their opinions, but just to be safe, I believe that we should interpret the request broadly, since it is a broad request. The request states; "relating in any way to trees in other parts of Shoreline.....(and)..... relating in any way to provisions of the code which involve trees.....(and).... relating in any way to proposed amendments to the code which involve trees."

Thank you.

Janet

From: Chris Eggen <ceggen@shorelinewa.gov>
To: Doris McConnell <dmccconnell@shorelinewa.gov>; Cindy Ryu <cryu@shorelinewa.gov>; Julie Underwood <junderwood@shorelinewa.gov>; tbscott2@comcast.net; Doris McConnell <dorismccon@comcast.net>; janetway@yahoo.com; kamatjas@mac.com; ronaldhansen@hansen-mclaughlin.com; Terry Scott <tscott@shorelinewa.gov>; Carolyn Wurdeman <cwurdeman@shorelinewa.gov>; Heidi Costello <hcostello@shorelinewa.gov>; Janet Way <jway@shorelinewa.gov>; Keith McGlashan <kmcglashan@shorelinewa.gov>; Robert Olander <rolander@shorelinewa.gov>; Ronald Hansen <rhansen@shorelinewa.gov>
Cc: Joe Tovar <jtovar@shorelinewa.gov>; Steve Cohn <scohn@shorelinewa.gov>; David Levitan <dlevitan@shorelinewa.gov>; Jessica Simulcik Smith <jsmith@shorelinewa.gov>; Susan Will <swill@shorelinewa.gov>; Ian Sievers <isievers@shorelinewa.gov>; Scott Passey <spassey@shorelinewa.gov>
Sent: Saturday, February 14, 2009 3:47:10 PM
Subject: RE: FYI--New Records Request from Hollinrake, John, PD-09-012

As one of the four council members who have been named in the public records request, I appreciate the suggestions of Council Member Way and Mayor Ryu. Otherwise I would not have thought of these items, although they clearly fall into the category of records on tree-related issues that I have dealt with since Aug 1, 2008.

2/17/2009

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I think that the three council members who were not named in the records request should not consider these emails as directions aimed at them. However, these emails (to the entire council) are important to the four who have been named because we cannot send emails only between the four of us. If we did, we might be accused of secret meetings. So the only way to send suggestions is to send them to the entire council. I think the three who were not named will just have to put up with reading them.

Council members Ryu and Way, if you have any further suggestions, I would appreciate it if you would email them to the entire council. I want to comply with the public records request as assiduously as possible. One reason is that I respect open government. Another reason is that Mr Hollenrake has proven himself to be extremely litigious and I suspect that the slightest error will result in a lawsuit, wasting the city and citizens money.

Chris Eggen

From: Doris McConnell
 Sent: Sat 2/14/2009 2:52 PM
 To: Cindy Ryu; Julie Underwood; Terry Scott (tbscott2@comcast.net); Doris McConnell; Janet Way (janetway@yahoo.com); Keith McGlashan (kamatjas@mac.com); ronaldhansen@hansen-mclaughlin.com; Terry Scott; Carolyn Wurdeman; Chris Eggen; Heidi Costello; Janet Way; Keith McGlashan; Robert Olander; Ronald Hansen
 Cc: Joe Tovar; Steve Cohn; David Levitan; Jessica Simulcik Smith; Susan Will; Ian Sievers; Scott Passey
 Subject: RE: FYI--New Records Request from Hollinrake, John, PD-09-012

With all due respect to Councilmembers,

I personally will wait for Ian Sievers, the city attorney to ask for records or notes such as mentioned by Cindy regarding other council meetings, subcommittee meetings, or workshop meetings and the notes generated by the parties that participated. I do not believe we need to create anymore work for our staff than what Mr. Hollinrake has asked for.

So again, I think we can make suggestions as to other materials to be included but caution all of us to wait for direction of that nature that come directly from our attorney, Ian. I will not take personal action to gather any of my records until advised by the attorney. As I mentioned early on, regarding Mr. Hollinrake's request, I have NO RECORDS REGARDING TREES OR CONTACT WITH NANCY RUST for the time period mentioned on the request.

Doris McConnell

-----Original Message-----

From: Cindy Ryu
 Sent: Fri 2/13/2009 7:34 PM
 To: Julie Underwood; Terry Scott (tbscott2@comcast.net); Doris McConnell; Janet Way (janetway@yahoo.com); Keith McGlashan (kamatjas@mac.com); ronaldhansen@hansen-mclaughlin.com; Terry Scott; Carolyn Wurdeman; Chris Eggen; Doris McConnell; Heidi Costello; Janet Way; Keith McGlashan; Robert Olander; Ronald Hansen
 Cc: Joe Tovar; Steve Cohn; David Levitan; Jessica Simulcik Smith; Susan Will; Ian Sievers; Scott Passey

2/17/2009

Subject: RE: Council and Planning Commission Joint Visioning Workshop Draft Report

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Thank you very much, Julie and staff. I think the Joint workshop discussions have been very well captured and I appreciate the quality of the draft report.

Since this meeting took place during the time period for which Mr. Hollinrake requested the records on 2/11/09, and since there is mention of trees throughout our Visioning process since October, I believe all Councilmembers, staff, PC and citizen-provided Visioning notes and materials must be included in the records provided to Mr. Hollinrake.

I will be bringing in all my City Council materials mentioning "trees" between Aug 1, 2008 to Feb 11, 2009 to the City Clerk's office on Tuesday morning. I would appreciate the originals being returned to me after copying them for Mr. Hollinrake.

Cindy Ryu, MBA
Mayor
City of Shoreline
17544 Midvale Ave N Suite 100
Shoreline, WA 98133-4921
cryu@shorelinewa.gov
www.shorelinewa.gov

(206) 801-2213 City Council Office
(206) 533-1251
(206) 605-1588 Cell

Personal, Political, and other business:
15017 Aurora Ave N
Shoreline, WA 98133-6134
cindy4shoreline@yahoo.com

-----Original Message-----

From: Julie Underwood
Sent: Fri 2/13/2009 9:44 AM
To: Terry Scott (tbScott2@comcast.net); Doris McConnell; Janet Way (janetway@yahoo.com); Keith McGlashan (kamatjas@mac.com); ronaldhansen@hansen-mclaughlin.com; Terry Scott; Carolyn Wurdeman; Chris Eggen; Cindy Ryu; Doris McConnell; Heidi Costello; Janet Way; Julie Underwood; Keith McGlashan; Robert Olander; Ronald Hansen
Cc: Joe Tovar; Steve Cohn; David Levitan; Jessica Simulcik Smith; Susan Will
Subject: Council and Planning Commission Joint Visioning Workshop Draft Report

Attached is the draft report for the Council and Planning Commission Joint Visioning Workshop. Please provide changes to me by Fri., Feb. 20.

As you know, we're planning to have the Council review a draft vision statement and framework goals drafted by the Planning Commission at your Feb. 23 dinner workshop meeting. Once we get your input and make any necessary changes, we'll make the draft available on the City's website for the public to review prior to the Town Hall Meeting--"Community Check-in" scheduled for Mon., March 2.

In the meantime, if you have questions please let me know.

Thanks,

2/17/2009

Julie

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<<Joint CC & PC Workshop-Jan 29 2009.doc>>

Julie Thuy Underwood
Assistant City Manager
City of Shoreline
(206) 801-2212
junderwood@shorelinewa.gov

December 20, 2005

Dear Innis Arden Friends:

According to the Seattle Weekly, Shoreline is the best place to live. That can't be true of Innis Arden. It used to be and it could be again. It is not a nice place to live when the board adopts a bylaw change to impose fines and establish a quasi judicial court when the members already rejected a similar change. It is not a nice place to live when the Board authorizes cutting trees for the benefit of a few, rather than the welfare of the whole. It's not a nice place to live when one receives anonymous letters from neighbors. Nor is it a nice place when the Board decides to forbid second opinions without its approval. Nor is it a nice place when the Board president threatens a member who has the floor.

ARM stands for Association for Responsible Management of Innis Arden. It's not just the trees. It is how the Board is managing our affairs that has caused us to get organized. Here's an update on matters that you won't read about in the Bulletin. The Bulletin does not accept letters to the editor.

Last March, three geologists who live in Innis Arden wrote a letter to the Board expressing concerns about proposed well digging in Innis Arden. Although our president acknowledged receiving letters about a tower with blinking lights in Kitsap County, this letter concerning our own neighborhood was not acknowledged. In July, Nancy Rust asked the Board if they had done any research on potential problems with well digging. This generated a heated discussion where one Board member accused Nancy of trying to block an amendment to the covenants. Questions are evidently not welcomed when they fear the answer. As a result, however, Eric Cheney was invited to speak at the August meeting.

In May a lawsuit was filed against the club by shareholders including some members of ARM. It was withdrawn the next day because, before a restraining order could be obtained, trees the suit was trying to save were cut. The trees that were cut included the tree on the Tollet trust property. It was a Douglas Fir that stood alone with spaces between the branches. It could not have obstructed anyone's view, but some people don't want to see a tree.

The Board followed with a proposal that the plaintiffs rejected because they would have to give up their right to sue.

Plaintiffs then followed with another proposal to which the Board has not responded.

The September Bulletin reported that an elections committee had been meeting and had established a time line. Any suggestions for the annual meeting were to be submitted a week before the October Board meeting. When the October Board meeting came around, we learned that any proposed bylaw amendments were due at that time. When asked why, the Board replied they needed time to run any proposals by the Board attorney. Members have the right to submit any bylaw amendments in time to be published with the notice of the annual meeting without interference by the Board. (Last year the Board refused to allow Nancy's proposal's because they didn't have time to review them.) Because of the confusion the Board agreed to extend the deadline by a week but if you were not at the meeting you didn't know that.

As a result of the Supreme Court decision on the Viking Properties, any member has

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standing in the courts to enforce the covenants. The Board has interpreted this to mean that any member has the right to petition the Board under the bylaw amendment whether or not his or her own property is affected by the trees. As a result John Hollinrake has taken upon himself to clear Innis Arden of tall trees.

Here's what is happening with the anonymous letters. A homeowner gets an anonymous letter from his "uphill neighbors" asking him or her to cut trees or a petition will be filed with the Board. This is followed by a letter from Mr. Hollinrake requesting that trees be cut since "up hill neighbors" have complained. (Curiously this letter is similar to the anonymous one) Mr. Hollinrake then files a petition with the Board. The Compliance Committee drives down the street and notices that trees are above roof height and the Board schedules a hearing. It has never been a requirement that all trees be cut to roof height. They must be obstructing someone's view. This process does not even give the victim a chance to comply because he or she does not know who has complained. Who will be next when the Board allows this drive by procedure?

And then there was the meeting from hell in November. First, David Fosmire moved a motion that will require members to get Board permission in order to bring guests onto the reserves for business purposes. The purpose of this is, of course, to make it difficult for members to get a second opinion before trees are cut. The timing of this could make any such opinion impossible before damage is done. Then Mike Jacobs announced that the Board's new insurance policy included a \$25,000 deductible for the next law suit filed against the club and asked members to talk to the Board before filing a law suit. Wayne Cottingham then reminded the Board about the several times the Board had not responded to him. Jacobs then stood up and accused Cottingham of being part of the problem, pointing his finger at him and saying "Bring it on! Bring it on!"

Through out the meeting members spoke out of turn as did Board members. Board members interrupted each other and interrupted shareholders who had the floor. Towards the end of the meeting, Elaine Phelps was recognized and had started to speak, when Mike Jacobs interrupted her and started to speak about a grievance he had against her. She remained standing and asked him to let her continue. He then stood up, began waving his arms, and walked around from behind the table and approached her still waving his arms. Just as Jacobs got within a few feet of her, Al Wagar quickly got up and stood between them. Only then did Jacobs stop threatening and returned to his seat. During this altercation members in the audience started screaming "Kick her out".

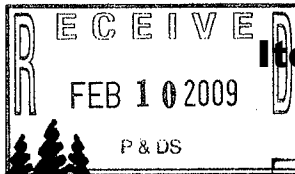
After the meeting was over, Nancy Rust turned to Fran Lilleness and said "You know we are all guilty. I speak out of turn." Fran replied " I do too." Fran and Nancy have been on the opposite side of the tree issue, but the two walked out of the meeting talking about the issues they agree on. We can all at least be civil to each other or this will become the neighborhood from hell. We need to work together for it be a nice place to live once again.

Signed by,


Beverly Meln, President


Nancy Rust, Secretary

ARM would like to send out another mailing before the annual meeting. If you want to help with mailing costs, please send contributions to ARM of Innis Arden at 18405 Aurora Ave N, Box H 5, Shoreline WA, 98133



RECEIVED

FEB 10 2009

City Manager's Office

CITY OF SHORELINE

MEMORANDUM

INCL/MEMBER	
• FULL COUNCIL	/
• CITY MANAGER	/
• STAFF	Julie
• Joe	John
• Paul Cohen	Jan
• FILE	/

FYI

TO: Mayor Ryu and City Council Members

FROM: Scott Passey, City Clerk

DATE: February 10, 2009

RE: Items received at February 9 City Council Meeting

CC: Bob Olander, City Manager
 Julie Underwood, Assistant City Manager
 Ian Sievers, City Attorney

Please find attached the following items received by the City Clerk at the February 9 City Council Meeting:

- 1) • Letter and petition signature sheets regarding Ronald Place landmarking, submitted by Kenneth Howe - *Petition sheets on file*
- 2) • City Council Comment Form regarding Shoreline Tree Ordinance, submitted by Nancy Morris
- 3) • Public comment testimony and proposed changes to the Shoreline Tree Code, submitted by Nancy Rust
- 4) • 1/1/09 New York Times article regarding trees, submitted by Judy Griesel

Item 10.a - Attachment 1

February 9, 2009


To Shoreline City Council:

In correspondence in late 2008 with the city manager's office, I was informed that the petition signatures asking that Ronald Place (The North Trunk Road) be designated a local landmark could not be found. These signatures were presented to the council on July 23, 2001. I am resubmitting copies of them. These signatures were critical to the planning commission's last decision regarding Ronald Place and were for some reason not made available to the commission. Being as the city is once again considering action on the fate of this historic property it is important that this petition is made a part of the public record. Please make arrangements for the Shoreline Planning Commission to see and review this petition.

In mid September 2000, Charlie Sundberg from the King County Office of Cultural Resources reviewed places that had been identified in the 1996 Historic Resources Inventory prepared for the new city of Shoreline. He stated that Ronald Place was a strong candidate for the National Register of Historic Places. Ronald Place was part of the North Trunk Road that connected our community to Seattle. It provided easier access to Seattle's TB sanatorium, Firland (now part of Christa Ministries). Having one of the few paved roads in the north county made our area attractive to new residents. Large homes were built along the road and in 1929 the brick road was made part of the new four lane Highway 99. The brick lanes were not paved over with asphalt until 1941. Ronald Place is the last section of the North Trunk Road visible in the original brick.

Please take action and designate as a Local Landmark this significant piece of the Shoreline area's history. When funds become available please fund staff to prepare the nomination for the National Register of Historic Places.

Sincerely,


Kenneth Howe
745 N. 184th St.
Shoreline, Washington 98133
(206) 546-6883

Item 10.a - Attachment 1

Testimony by Nancy Rust to City Council on February 9, 2009

I am chair of a committee that has been working on a revision of Shoreline's tree Code.

We had our first meeting last August and we have been working diligently since.

We started by examining the tree codes in other cities, namely Lake Forest Park, Kirkland, Redmond, Tumwater, Vancouver, Washington, and Seattle.

There are no new ideas in our proposal as we adopted sections from other cities' codes, mostly from Lake Forest Park.

The Council has just been working on an ordinance to lesson the impact of storm water run off, but your job is not finished. One of the most important things to do to control storm water is to increase the canopy of our trees in our city.

I recent study for Seattle Public utilities showed that conifers planted in concrete reduced run off by 27% compared to bare concrete.

We are not making any recommendations concerning hazardous trees as we found that Shoreline's code was better than other cities.

Also we did not recommend any changes to the critical area code as it was amended recently.

Since I have a conflict of interest on that issue, I will not speak to it.

Here is what we want in a new code:

We want a separate chapter for a tree code.

A policy of no net loss of trees

A goal of an overall healthy tree canopy of not less than 40% city wide.

The definition of a significant tree to be changed to six inches in diameter for conifers, broadleaf evergreens, and deciduous trees or four inches if, considering the age, height, value or function, the tree is considered significant,

Any tree that is at least 28 inches in diameter designated as a landmark tree.

Exceptional trees^{to} be defined.

A permit required before cutting any significant tree.

Every significant tree that is cut replaced.

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A table of tree units established based on the diameter of trees to encourage retaining large trees.

A list of trees preferred for replacement and a list of trees not accepted for replacement.

A city forestry account established.

Enforcement procedures defined.

A bond required when more than 2 trees are proposed to be cut.

Incentives for planting native trees.

Incentives for retaining trees in a grove.

Incentives for retaining large trees.

A public education program.

Posting of permits required.

An urban forestry plan.

Some people will say they have a right to do what they want on their own property, but what one does to his or her property may affect others. We all live downhill.

I urge the council to support our plan, a comprehensive revision to our tree code.

Shoreline Tree Ordinance Update

Findings –

Whereas, trees and other vegetation are valuable elements of the physical environment integral to Shoreline’s community character and,

Whereas, the many benefits of healthy trees and vegetation contribute to Shoreline’s quality of life by:

- . Providing Stormwater Management
- . Reducing soil erosion and runoff from precipitation
- . Stabilizing and enriching the soil
- . Improving water quality
- . Improving the air quality
- . Reducing our Carbon Footprint
- . Providing cost-effective protection from severe weather conditions
- . Suppressing unwanted noise
- . Creating protection & habitat for wildlife and citizens
- . Providing recreational benefits
- . Providing visual relief and screening buffers
- . Providing economic benefit
- . Providing a valuable asset to the community as a whole, and

Whereas, becoming a “City within the Forest” rather than a city with pockets of forest would meet the above goals and beside the obvious environmental benefits, there is an economic case to be made for conservation and proactive management of green open space that is key to revitalization of city centers and older suburbs and

Whereas, of our city owned lands, 330 acres (4%) are designated parks and open space with another 1061.8 acres¹ (14%) of streets and pedestrian corridors. These public lands represent an important resource of materials and social opportunities and the city has a fiduciary responsibility to develop and implement a plan that recognizes and responsibly develops and nurtures this resource and

Whereas, removal of too many trees from our city Shoreline has resulted in the loss to the public of these beneficial functions of trees, and it has resulted in an environmental degradation that may threaten the public health, safety, and welfare and

Whereas, Shoreline City Council has passed a Sustainability Strategy in 2008 which states as policy that Objective 21 is to “Prevent Tree Canopy Loss and Increase Forest

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Health City-wide and a Key Recommendation is to develop a Natural Resources Action Plan and tree canopy would be an integral part of such a plan and

Now therefore, the City of Shoreline hereby resolves to update its tree ordinance codes to address the above issues and improve the quality of life for its citizens by adopting the following policies of “no net loss” of forest and vegetative cover and a goal of a healthy tree canopy of not less than 40%, by implementing those as a matter of law.

Shoreline Tree Ordinance Update

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Whereas, trees and other vegetation are valuable elements of the physical environment integral to Shoreline’s community character and,

Whereas, the many benefits of healthy trees and vegetation contribute to Shoreline’s quality of life by:

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Whereas, Shoreline City Council has passed a Sustainability Strategy in 2008 which states as policy that Objective 21 is to “Prevent Tree Canopy Loss and Increase Forest

1

Key Elements of Citizens Tree Preservation Code Proposal

Sponsors - Council Member Janet Way

- Create a separate chapter for a tree code would make understanding it and compliance for homeowners and builders much more likely
- Establish a City Policy of “no net loss” of tree and vegetative cover
- Establish a City Policy Goal of an overall healthy tree canopy of not less than 40% city wide. An eventual greater goal of 50-60% should also be pursued.
- Establish a City Goal to create and implement an Urban Forestry Management Plan.
 - This goal has been stated in the city Sustainability Strategy and is supported in the Comprehensive Plan
- The definition of a significant tree to be changed to six inches in diameter for conifers, broadleaf evergreens, and deciduous trees or four inches if, considering the age, height, value or function, the tree is considered significant,
- Any tree that is at least 28 inches in diameter shall be designated as a landmark tree.
- Exceptional trees shall be defined. (those with significant cultural, habitat or historic value)
- A permit shall be required before cutting any significant tree.
- Every significant tree that is cut shall replaced according to an established system such as “tree units”.
- A table of tree units shall be established based on the width of trees to encourage retaining large trees. Using the attached chart, 45 tree units shall be retained when developing a site.
- A list of trees preferred for replacement and a list of trees not accepted for replacement will be provided.

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Whereas, Shoreline City Council has passed a Sustainability Strategy in 2008 which states as policy that Objective 21 is to “Prevent Tree Canopy Loss and Increase Forest Health City-wide and a Key Recommendation is to develop a Natural Resources Action Plan and tree canopy would be an integral part of such a plan and

Now therefore, the City of Shoreline hereby resolves to update its tree ordinance codes to address the above issues and improve the quality of life for it’s citizens by adopting the following policies of “no net loss” of forest and vegetative cover and a goal of a healthy tree canopy of not less than 40%, by implementing those as a matter of law.

Findings

Trees have the following benefits:

1. Preserve and enhance the City's natural beauty;
2. Provide varied and rich habitats for wildlife;
3. Moderate the effects of wind and temperature and have a positive impact on global climate change;
4. Slow runoff from precipitation, reduce soil erosion and sedimentation and pollution of natural waterways, and thus minimize the public and private costs for storm water control and treatment and utility maintenance;
5. Improve air quality, through the absorption of pollutants and contamination;
6. Mask unwanted sound and reduce noise pollution;
7. Enhance the economic value of both new and existing development;
8. Reduce the urban heat island effect thought to be a component of global warming;
9. Absorb greenhouse gases identified as a component of global warming; and
10. Represent a significant financial asset to the community.

Purpose

Trees and vegetation removal in the urban area of the City of Shoreline has resulted in "a taking" from the public of the beneficial functions of trees and other vegetation. The purpose of this chapter is to reverse this process by establishing standards and processes that protect, preserve, replace, and provide for proper maintenance of significant trees and associated vegetation and woodlands located in the City. The first goal is to retain as many existing mature trees as possible by preventing indiscriminate removal or destruction of trees and ground cover, without preventing the reasonable development and maintenance of the land. The second goal is to join regional efforts to conserve, protect, improve, and expand Washington's urban forest in order to reduce stormwater pollution in Puget Sound, flooding, energy consumption, and greenhouse gas emissions, air pollution, and storm impacts to the utility infrastructure.

The loss of mature native and non-native trees in our city contributes to stormwater runoff problems, causing pollution and erosion in Shoreline and also downstream, thus affecting the health of both Puget Sound and Lake Washington. Protecting, enhancing, and maintaining healthy trees in our city can protect those shorelines and adjacent waters as well as protecting the quality of life and addressing stormwater problems within the city. Furthermore, the presence of mature trees will lessen the impact of global warming. The goal is to achieve an overall tree canopy coverage of 40% for our community with the understanding that the many benefits of healthy trees and vegetation contribute to Shoreline's overall quality of life. Shoreline can become a city within the trees. Our City's name implies that we have a responsibility for the protection of the Shorelines of Puget Sound and Lake Washington. Pollution from stormwater is a leading source of pollution in Puget Sound and Lake Washington.

Intent

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The intent of this chapter is to:

1. Prevent damage to property, harm to persons, and environmental impacts caused by tree and vegetation removal, excavations, fills, and the destabilization of soils.
2. Maintain and restore hydrological, environmental and aesthetic functionality provided by trees and stands/groves of trees and their understory layers.
3. Preserve and enhance both the quality and quantity of the City of Shoreline's environmental, economic, and community character with mature landscapes consistent with the City's natural topography and vegetative cover.
4. Provide visual relief and screening buffers.
5. Promote site planning, Design Review, building, and development practices that work to encourage tree retention efforts by advancing the protection of existing trees and stands/groves of trees and understory vegetation while providing mechanisms designed to allow appropriate flexibility in respect to certain other development requirements, and to provide additional stormwater management facilities.
6. Minimize the adverse impacts of land disturbing activities and impervious surfaces such as runoff, soil erosion, land instability, sedimentation and pollution of waterways, thus, reducing the public and private costs for storm water control/treatment, and utility maintenance and flood recovery expenses.
7. Prevent erosion and reduce the risk of landslides.
8. Protect critical areas from the impacts of clearing and grading activities and protect environmentally sensitive area.
9. Provide habitat, cover, food supply and corridors for the diversity of fish and wildlife.
10. Protect anadromous (migrating from the sea to fresh water to spawn) fish habitat and other native animal and plant species through performance-based regulation of clearing and grading, conservation and restoration of trees and vegetative cover to reduce flooding, the impacts on existing drainageways, and the need to provide landscaping that will buffer the effects of built and paved areas.
11. Mitigate and monitor the economic, environmental and aesthetic consequences of required tree removal in land development through on and off-site tree replacement with the goals of halting net loss and enhancing Shoreline's tree canopy to achieve an overall healthy tree canopy cover of not less than 40 percent City-wide over time.
12. Provide economic support of local property values.
13. Promote identification and protection of trees that have historical significance, are unusual due to their size, species or age, are unusual for their aesthetic quality, or have other values or characteristics that make them worthy of protection.
14. Educate the public regarding urban forestry
15. Establish a tree register
16. Provide recreational benefits
17. Implement the goals and objectives of the City's Comprehensive Plan.
18. Implement the goals and objectives of the State Environmental Policy Act (SEPA)
19. Manage trees and other vegetation in a manner consistent with the City's Natural Resource Management Plan.

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20. Replacement of trees removed during site development with appropriate native species wherever practical in order to achieve a goal of no net loss of tree cover throughout the City over time. (Ord. 398 § 1, 2006; Ord. 238 Ch. V § 5(A), 2000

21. Prohibit the removal or endangerment of a stand of trees and the trees within the stand.

Tree removal – permit and posting required (adapted from LFP)

A. No person shall remove any significant tree located within the city without first obtaining a tree permit in accordance with this chapter. There shall be two types of permits as follows:

Level I. A permit issued by the city to remove no more than two significant trees from a developed property in any twelve month period. The director may also issue a level I permit to cut more than 2 significant trees to a person who has an approved solar permit in hand and the permitted solar panel already in hand. Replacement trees are still required. On undeveloped property, a permit may only be issued for trees that are hazardous.

Level II permit. A permit issued by the city to remove trees as part of the development or redevelopment of property or for the removal of landmark or exceptional trees.

B. Posting Requirements.

1. For Level I tree permits, tree removal may commence immediately upon posting of an approved Level I tree permit on the subject site at a conspicuous location. The notice shall be posted for two days prior to removal and remain posted at least one week after the approved activity has been completed.

2. For Level II tree permits, the notice of application shall be posted as required by _____ prior to permit approval. Tree removal may commence immediately upon posting of an approved Level II tree permit on the subject site at a conspicuous location. The notice shall remain posted at least one week after the approved activity has been completed.

SMC 20.50.310 Exemptions from permit.

A. **Complete Exemptions.** The following activities are exempt from the provisions of this subchapter and do not require a permit:

1. Emergency situation on private property involving danger to life or property or substantial fire hazards.

a. **Statement of Purpose.** Retention of significant trees and vegetation is necessary in order to utilize natural systems to control surface water runoff, reduce erosion and associated water quality impacts, reduce the risk of floods and landslides, maintain fish and wildlife habitat and preserve the City's natural, wooded character. Nevertheless, when certain trees become unstable or damaged, they may constitute a hazard requiring cutting in whole or part. Therefore, it is the purpose of this section to provide a reasonable and effective mechanism to minimize the risk to human health and property while preventing needless loss of healthy, significant trees and vegetation, especially in critical areas and their buffers.

b. For purposes of this section, "Director" means the Director of the Department of Planning and Development Services and his or her designee.

c. In addition to other exemptions of Subchapter 5 of the Development Code, SMC 20.50.290 through 20.50.370, a permit exemption request for the cutting of any tree that is an active and imminent hazard (i.e., an immediate threat to public health and safety) shall be granted if it is evaluated and authorized by the Director under the procedures and criteria set forth in this section.

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- d. For trees that pose an active and imminent hazard to life or property, such as tree limbs or trunks that are demonstrably cracked, leaning toward overhead utility lines, or are uprooted by flooding, heavy winds or storm events, the Director may verbally authorize immediate abatement by any means necessary.
- e. For hazardous circumstances that are not active and imminent, such as suspected tree rot or diseased trees or less obvious structural wind damage to limbs or trunks, a permit exemption request form must be submitted by the property owner together with a risk assessment form. Both the permit exemption request form and risk assessment form shall be provided by the Director.
- f. The permit exemption request form shall include a grant of permission for the Director and/or his qualified professionals to enter the subject property to evaluate the circumstances. Attached to the permit exemption request form shall be a risk assessment form that documents the hazard and which must be signed by a certified arborist or professional forester.
- g. No permit exemption request shall be approved until the Director reviews the submitted forms and conducts a site visit. The Director may direct that a peer review of the request be performed at the applicant's cost, and may require that the subject tree(s) vegetation be cordoned off with yellow warning tape during the review of the request for exemption.
- h. Approval to cut or clear trees may only be given upon recommendation of the City- approved arborist that the condition constitutes an actual threat to life or property in homes, private yards, buildings, public or private streets and driveways, sidewalks, improved utility corridors, or access for emergency vehicles and any trail as proposed by the property owner and approved by the Director for purposes of this section.
- i. The Director 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 replacement of any significant trees. The arborist shall include an assessment of whether a portion of the tree suitable for a snag for wildlife habitat may safely be retained. All work shall be done utilizing hand-held implements only, unless the property owner requests and the Director approves otherwise in writing. The Director may require that all or a portion of cut materials be left on-site.
2. Removal of trees and/or ground cover by the City and/or utility provider in situations involving immediate danger to life or property, substantial fire hazards, or interruption of services provided by a utility. The City retains the right to dispute the emergency and require that the party obtain a clearing permit and/or require that replacement trees be replanted as mitigation.
3. Installation and regular maintenance of public utilities, under direction of the Director, except substation construction and installation or construction of utilities in parks or environmentally sensitive areas.
4. Cemetery graves involving less than 50 cubic yards of excavation, and related fill per each cemetery plot.
- ~~5. Removal of trees from property zoned RB and I, CB and NCBD, and NB and O, unless within a critical area or critical area buffer.~~
5. Critical Areas and Critical Area Buffers. A tree located within a critical area or a critical area buffer shall only be removed subject to the provisions of SMC 20.80
- ~~B. Partial Exemptions. With the exception of the general requirements listed in SMC 20.50.300, the following are exempt from the provisions of this subchapter, provided the development activity does not occur in a critical area or critical area buffer. For those exemptions that refer to size or number, the thresholds are cumulative during a 36-month period for any given parcel:~~
- ~~1. The removal of up to six significant trees (see Chapter 20.20 SMC, Definitions) and associated removal of understory vegetation from any property.~~
- ~~2. Landscape maintenance and alterations on any property that involves the clearing of less than 3,000 square feet, or less than 1,500 square feet if located in a critical drainage area, provided the tree removal threshold listed above is not exceeded. (Ord. 434 § 1, 2006; Ord. 398 § 1, 2006; Ord. 238 Ch. V § 5(C), 2000).~~

Urban Forestry Accounts

There is hereby established within the city two “urban forestry accounts” for the purposes of acquiring, maintaining and preserving wooded areas, and for planting and maintaining trees within the city.

1. Operational Account

Our urban forest is a “green” infrastructure essential public utility and therefore, the funds in this account shall be dedicated to maintaining and preserving wooded areas and street trees around the city.

2. Capital Improvement Account

Achieving the goal of 40% tree canopy will require planting additional trees and possibly acquiring additional properties. This account is for the purpose of acquiring, and planting new locations to “grow” our urban forestry canopy up to the minimum recommendation of 40% cover.

Both accounts shall be administered by the Public Works Department

A. Collections and Deposits.

All fines and violations of this chapter shall be deposited into the Operational Urban Forestry account. All donations and mitigation fees collected related to tree preservation of trees or the enhancement of wooded buffer areas shall be deposited in the Capital Improvement Urban Forestry account.

B. Maintenance of the Urban Forestry accounts.

The Urban Forestry accounts shall be maintained by the Finance Director as separate, interest bearing accounts.

C. Use of Funds.

Funds in the Urban Forestry accounts shall only be used upon appropriation by City Council. Funds may be withdrawn by the Account Administrator, and may be used for any purpose consistent with the intent of this chapter. Funds used to plant trees may be used only on city-owned property, or on property upon which the city has been granted an easement for the purpose of establishing or maintaining trees or other vegetation.

Setting Tree Canopy Goals

American Forests recommends an average 40% tree canopy, east of the Mississippi and in the Pacific Northwest. Refer to the chart below for tree cover percentages based on land use and geographic area. These goals are based on an evolution of thinking about how and why we quantify the urban forest. Three early surveys (1986, 1989 and 1991) focused on the health and condition of public street trees. Our understanding of the environmental benefits of urban forests grew at the same time as the technology improved to more accurately measure its extent. These two developments in tandem made it possible to measure actual landcover, quantify their environmental benefits, and for the first time link tree canopy cover goals to community-wide goals for clean air and water.

Tree plan required for Tree permit

A. An applicant for a tree permit must submit a tree plan that complies with this Section.

B. Level I Tree Permit. A Level I Tree Permit shall be approved based on the following:

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1. The completed permit application supplemented by a general site plan showing the tree(s) to be removed and nearby structures and significant trees.
2. The applicant shall be required to replace the removed significant tree(s) on a basis of one tree for every tree unit removed according to Table _____. A replacement tree plan showing the location(s) and species of the new tree(s) shall be submitted with the permit application.
3. The administrator shall provide detailed written requirements for residents requesting permits. The purpose of such requirements is to provide a simple and user-friendly Level I tree permit procedure.

C. Level II Tree Permit. A Level II Tree Permit shall be approved based on the following:

1. A site map depicting accurate location of significant trees and their driplines measured relative to visible site features (a survey may be required) and approximate location of significant trees on adjacent property with driplines extending over the subject property; and
2. A tree inventory prepared by a qualified tree professional including a numbering system of existing significant trees (with corresponding tags on trees), measured driplines, diameter, species and tree status (remove or retain) based on criteria in _____ for all significant trees. The inventory shall include species, approximate diameter, and measured dripline of significant trees that are on adjacent property with driplines extending over the subject property line.
3. A report from a qualified tree professional detailing:
 - a. An indication, for each tree, of whether it is proposed to be retained or removed, based on health, hazard, nuisance, or suitability of species;
 - b. Limits of disturbance around viable trees impacted by the development;
 - c. Special instruction for work within their dripline; and
 - d. Location, and type of protection measures for these trees.
4. A description and location of tree protection measures during construction for trees to be retained must be shown on demolition and grading plans. Protection measures must be in accordance with _____.
5. The above tree information shall be required only for trees potentially impacted on developed lots.
6. The administrator may specify conditions for work, at any stage of the application or project, as it deems necessary to ensure the proposal's compliance with requirements of this section, as well as the sensitive areas regulations, clearing, grading, and stormwater management regulations, or to protect public or private property. These conditions may include, but are not limited to, hours or seasons within which work may be conducted, or specific work methods.
7. The applicant shall be required to replace each removed significant tree(s) on the basis of one tree for each tree unit removed according to Table _____. The removal of a landmark tree requires a replacement on the basis of twice the tree units for each tree removed. A replacement tree plan showing the location(s) and species of the new tree(s) shall be submitted with the permit application.

D. Tree selection shall be consistent with the Shoreline Tree List, which is maintained by the city. Trees listed as prohibited in the Shoreline Tree List are not acceptable for replacement or mitigation trees.

E. For all permits in this section, a minimum of 35 tree units per acre of all significant trees shall be retained. The enforcement of this requirement shall take into consideration all tree permits issued and executed since _____.

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F. Permits shall only be issued after the administrator has verified that trees replaced under tree permits issued after _____ are still viable.

Tree Density Requirement

(adapted from LFP)

A. Minimum Tree Density Requirement Established. While all viable trees that can be retained are to be preserved, the minimum tree density is 35 tree units per acre for development requiring a level II permit.

1. At the Director's discretion, when viable tree are retained in a grove, a higher minimum density may be allowed based on the nature of the grove.
2. On sites where there are inadequate numbers of viable trees and the site falls below the minimum tree density, then supplemental tree planting shall be required to meet the minimum density.
3. Existing trees transplanted to an area on the same site shall not count toward the required density unless approved by the Director based on transplant specifications provided by a qualified professional that will ensure a good probability for survival.

B. Tree Density Calculation. For the purpose of calculating required minimum tree density, city-right-of-way and areas dedicated as City-right-of way shall be excluded from the area used for calculation for tree density. For a subdivision, the tree density shall be calculated based on the entire short plat or subdivision.

Tree density calculation for existing individual trees.

1. Diameter breast Height (d.b.h.) of the tree shall measured in inches.
2. The tree unit value that corresponds with d.b.h. shall be found in Table ____.

Table Tree Density for Existing Significant Trees (Units per minimum diameter - d.b.h.)					
d.b.h.	Tree Units	d.b.h.	Tree Units	d.b.h.	Tree Units
6-10"		124"		838"	15
12"		226"		940"	16
14"		328"		1042"	17
16"		430"		1144"	18
18"		532"		1246"	19
20"		634"		1348"	20
22"		736"		1450"	21

Retention standards (LFP temporary ordinance)

A. Grading and Proximity to Structures, Utilities, and Roadways:

1. Structures, utilities, and roadways shall be set back at least five feet from the dripline of a protected tree except where such structure is a raised deck, bay window, or cantilevered or otherwise raised above the ground's surface so as not to disrupt the tree's roots.
2. Sidewalks, driveways, structures and utilities may be located within the dripline of a protected tree; provided that construction methods and materials used will result in minimal disruption of the tree's roots, and that tree protection measures are proposed and approved.
3. The administrator may allow activities such as trenching, construction or an alteration of grades inside the five-foot setback from the dripline of a protected tree; provided, that the applicant submits, at applicant's expense, an evaluation by a qualified tree professional which demonstrates that the proposed activity will not adversely affect the long-term viability of the tree.

B. Site Development and Modification Guidelines. Site improvements shall be designed and constructed to:

1. Incorporate trees as a site amenity and to reflect a strong emphasis on tree protection.
2. Retain a forested look, value, and function after development or modification. Trees should be protected within vegetated islands and stands rather than as individual, isolated trees scattered throughout the site.
3. Give priority to protection of:
 - a. Existing stands of healthy trees;
 - b. Healthy trees that have a reasonable chance of survival once the site is developed or modified or will not pose a threat to life or property;
 - c. Trees that have a screening function or provide relief from glare, noise, or commercial harshness;
 - d. Trees providing habitat value, such as riparian habitat or wildlife nesting or roosting;
 - e. Trees within the required yard setbacks or around the site perimeter;
 - f. Trees having a significant land stability function; and

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g. Trees adjacent to public parks and open space.

4. Building footprints, parking areas, roadways, utility corridors and other structures shall be designed and located taking into consideration tree protection opportunities.

5. The project grading plans shall accommodate existing trees and avoid alteration to grades around existing significant trees, and they shall incorporate open space and recreational space designed and located to protect existing stands of trees.

6. The site design and landscape plans shall provide suitable locations and adequate area for replacement trees as required by this chapter.

C. Incentives for Higher Levels of Tree retention for New Development. The city may grant reductions or adjustments to other site development standards if retention of 35% of the existing, healthy significant trees is exceeded. On a case by case review, the administrator shall determine the balance between tree protection that exceeds the established minimum percentage and variations to sit development requirements. Authorized adjustments include:

1. Reductions or variations of the area or width of required open space and/or landscaping;
2. Variations in parking lot design and/or access requirements; or
3. Reduction in the width of certain easements

SMC 20.50.360 Tree replacement and site restoration.

A. Plans Required. Prior to any tree removal, the applicant shall demonstrate through a clearing and grading plan, tree retention and planting plan, landscape plan, critical area protection and mitigation plan, or other plans acceptable to the Director that tree replacement will meet the minimum standards of this section. Except for a level I permit, Pplans shall be prepared by a qualified person or persons at the applicant's expense. Third party review of plans, if required, shall be at the applicant's expense.

B. The City may require the applicant to relocate or replace trees, shrubs, and ground covers, provide erosion control methods, hydroseed exposed slopes, or otherwise protect and restore the site as determined by the Director.

C. Replacement Required. ~~Up to six significant trees and associated vegetation may be removed per parcel with no replacement of trees required. Any significant tree proposed for removal beyond this limit should shall be replaced as follows:~~

1. ~~One existing significant tree of eight six inches in diameter at breast height for conifers or 12 inches in diameter at breast height for all others equals one new tree.~~

For each tree unit removed, one replacement tree is required. (For example a tree 6 inches in diameter would require one tree, but a tree worth 9 units would require 9 replacement trees)

2. ~~Each additional three inches in diameter at breast height equals one additional new tree, up to three trees per significant tree removed;~~

Any landmark tree or exceptional tree that is removed shall be replaced by double the amount required in subsection 1 above.

3. Minimum size requirements for trees replaced under this provision: deciduous trees and broad leafed evergreens shall be at least 1.5 two inches in caliper and evergreens six conifers eight feet in height. If native conifer species is used the minimum size may be six feet tall. The installation and maintenance shall be pursuant to

Tree selection shall be consistent with the Shoreline tree list. Trees prohibited in the Shoreline tree list are not acceptable for required supplemental or replacement trees.

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Exception 20.50.360(C):

1. No tree replacement is required when:

The tree is proposed for relocation to another suitable planting site; provided, that relocation complies with the standards of this section.

2. ~~The Director may allow a reduction in the minimum replacement trees required or off-site planting of replacement trees if~~ If the director determines that on-site and off-site are not available, the applicant shall pay an amount of money into the City Forestry Account approximating the current market value of the purchase, installation, and maintenance for every supplemental or replacement tree required, provided all of the following criteria are satisfied:

There are special circumstances related to the size, shape, topography, location or surroundings of the subject property.

Strict compliance with the provisions of this Code may jeopardize reasonable use of the property.

Proposed vegetation removal, replacement, and any mitigation measures are consistent with the purpose and intent of the regulations.

The granting of the exception or standard reduction will not be detrimental to the public welfare or injurious to other property in the vicinity.

3. The Director may waive this provision for site restoration or enhancement projects conducted under an approved management plan. The plan must be for the purpose of improving forest health and must be developed by a qualified professional and shall include the following:

a. A plan depicting the location of all significant trees with a numbering system of the trees (with corresponding tags on the trees). The plan shall include size (dbh), species, and condition of each tree.

b. Identification of trees to be removed, including reasons for their removal and a description of low impact removal techniques pursuant to ---

c. A reforestation plan that includes location, size, species, and timing of installation.

d. A narrative report of prescribed, long-term maintenance activity for the site as outlined in ---

D. The Director may require that a portion of the replacement trees be native species in order to restore or enhance the site to predevelopment character.

E. The condition of replacement trees shall meet or exceed current American Nursery and Landscape Association or equivalent organization's standards for nursery stock.

F. Replacement of removed trees with appropriate native trees at a ratio determined by the Director will be required in critical areas.

G. The Director may consider smaller-sized replacement plants if the applicant can demonstrate that smaller plants are more suited to the species, site conditions, and to the purposes of this subchapter, and are planted in sufficient quantities to meet the intent of this subchapter.

H. All required replacement trees and relocated trees shown on an approved permit shall be maintained in healthy condition by the property owner throughout the life of the project, unless otherwise approved by the Director in a subsequent permit.

I. Where development activity has occurred that does not comply with the requirements of this subchapter, the requirements of any other section of the Shoreline Development Code, or approved permit conditions, the Director may require the site to be restored to as near preproject original condition as possible. Such restoration shall be determined by the Director and may include, but shall not be limited to, the following:

1. Filling, stabilizing and landscaping with vegetation similar to that which was removed, cut or filled;

2. Planting and maintenance of trees of a size and number that will reasonably assure survival and that replace functions and values of removed trees; and

3. Reseeding and landscaping with vegetation similar to that which was removed, in areas without significant trees where bare ground exists.

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J. Significant trees which would otherwise be retained, but which were unlawfully removed or damaged or destroyed through some fault of the applicant or their representatives shall be replaced in a manner determined by the Director.

K Performance assurance

1. The Director ~~may~~ shall require a performance bond for level II tree replacement and site restoration permits to ensure the installation of replacement trees, and/or compliance with other landscaping requirements as identified on the approved site plans.

~~A maintenance bond shall be required after the installation of required site improvements and prior to the issuance of a certificate of occupancy or finalization of permit and following required landscape installation or tree replacement. The maintenance bond and associated agreement shall be in place to ensure adequate maintenance and protection of retained trees and site improvements. The maintenance bond shall be for an amount not to exceed the estimated cost of maintenance and protection measures for a minimum of 36 months or as determined by the Director. To mitigate damages should they occur as a result of unauthorized tree removal, the applicant shall submit a bond, letter of credit or other means of assurance acceptable to the Director. The following provisions shall apply to such performance assurance:~~

The applicant shall post a performance bond or other acceptable security device to ensure the installation, maintenance and adequate performance of tree protection measures. The amount of this bond shall equal 150 percent of the City's estimated cost of replacing each protected tree. The estimated cost per tree shall be the tree base fee established by City Council. Prior to issuance of the certificate of occupancy, any protected tree found to be irreparably damaged, severely stressed or dying shall be replaced according to the standards identified under 20D. The bonding period shall be five years. The Director may release all or part of the bond prior to the conclusion of the bonding period if the applicant demonstrates that the requirements of this section have been satisfied and there is evidence that the protected trees will survive.

L. Monitoring. The Director may require submittal of periodic monitoring reports as necessary to ensure survival of replacement trees. The contents of the monitoring report shall be determined by the Director.

M. Discovery of Undocumented Critical Areas. The Director may stop work authorized by a clearing and grading permit if previously undocumented critical areas are discovered on the site. The Director has the authority to require additional studies, plans and mitigations should previously undocumented critical areas be found on a site. (Ord. 406 § 1, 2006; Ord. 398 § 1, 2006; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 5(H), 2000)

Enforcement.

1. Remediation.

Any person who removes a tree in violation of the conditions of a tree removal permit or in violation of this division shall be subject to remedial measures. The following provisions shall apply in instances where such remedial measures are required:

a. The applicant shall satisfy the permit provisions as specified in SMC _____, Permits Required.

b. Remedial measures must conform to the purposes and intent of this division. In addition, remedial measures must meet the standards specified in SMC _____, Tree Replacement, except that the number of replacement trees for significant trees damaged, destroyed or removed shall be as follows:

Size of removed tree

Number of replacement units required:

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6" 2

Greater than 6" -- up to 10" 3

Greater than 10" Twice the number of trees that otherwise would be required

Replacement trees shall be replanted with trees as follows:

Deciduous

3 inches in diameter (d.b.h.)

Evergreen

12 feet in height

- c. Remedial measures must be completed within the time frame specified by the Administrator.
- d. The cost of any remedial measures necessary to correct violation(s) of this division shall be borne by the property owner and/or applicant. Upon the applicant's failure to implement required remedial measures, the Director may redeem all or any portion of any security submitted by the applicant to implement such remedial measures, pursuant to the provisions of RCDG 20D.80.20-120, Performance Assurance.

2. Penalties.

The Administrator may impose a penalty of up to \$3,000 per tree for removal of or damage to significant trees in violation of this division.

Exceptional Trees & Habitat

The director shall create a list of trees that are exceptional trees because they are rare, uncommon, or unique.

Tree Replacement Standards (LFP)

Each Level II tree removal permit shall be conditioned to require a tree protection and replacement plan providing for tree replacement that will meet the minimum standards of this section.

A. Replacement Required. Except for trees relocated in compliance with this chapter, each significant tree removed pursuant to a Level II tree removal permit shall be replaced by one new tree.

1. Equal or exceed two-inch caliper for deciduous trees, or six to eight feet in height for evergreen trees;
2. Meet or exceed current American Nursery and Landscape Association or equivalent organization's standards for nursery stock;
3. Be planted to re-establish tree clusters where they previously existed, or to enhance protected tree clusters;
4. Be planted in locations appropriate to the species' growth habit and horticultural requirements;
5. Be located away from areas where damage is likely; and

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6. Be selected with consideration of the tree's maturation and maintenance requirements when they are to be planted adjacent to or under power lines, sidewalks, public rights-of-way, or in view corridors.

B. Installation.

1. Replacement trees shall be planted in accordance with best management practices for landscaping.
2. All required tree replacement and other required mitigation shall be completed prior to issuance of the certificate of occupancy, or, in other cases, at a time determined at the issuance of the permit; unless the administrator determines that seasonal or weather conditions at the time of installation would jeopardize plant survival and the applicant has submitted an alternate planting schedule for approval.

C. On-Site Replacement. Replacement trees shall be planted on the site from which significant trees are removed.

D. Alternatives to On-Site Replacement. When the administrator determines that on-site replacement is not practicable, the city may authorize:

1. Off-site replacement at the applicant's expense on city-owned property, sensitive areas and their buffers, or stream corridors in the city, or permanently protected private open space; or
2. The administrator may waive on-site and off-site tree replacement provided that the applicant pays an amount approximating the current market value of the purchase, installation and 5-year maintenance for every outstanding replacement tree into the City Forestry Account.
3. The administrator may consider other measures designed to mitigate the loss of trees by restoring all or parts of the forest landscape and its associated benefits, including but not limited to:
 - a. Creation of wildlife snags from trees which would otherwise be removed;
 - b. Replacement of ornamental trees with native shrubs and groundcover;
 - c. Replacement of hazardous or short-lived trees with healthy new trees more likely to survive;
 - d. "Daylighting" and restoration of stream corridors with native vegetation; or
 - e. Protection of non-significant trees to provide for the successional stages of forest development.

Protection Measures. (LFP)

A. Tree Protection Measures. To ensure long-term viability of trees identified for protection:

1. All required tree protection measures shall be shown on the tree protection and replacement plan.
2. All construction activities, including staging and traffic areas, shall be prohibited within five feet of the dripline of protected trees.
3. Tree protective fencing shall be installed at the limits of disturbance and completely around trees to be protected prior to any land disturbance.
4. Tree protective fencing shall be a minimum of four feet high, constructed of chain link, or polyethylene laminar safety fencing or similar material, subject to approval by the city. "Tree Protection Area" signs shall be posted visibly on all sides of the fenced areas. On large or multiple-project sites, the city may also require that signs requesting subcontractor cooperation and compliance with tree protection measures be posted at site entrances.

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5. Where tree protection areas are remote from areas of land disturbance, and where approved by the city, alternative forms of tree protection may be used in lieu of tree protective fencing; provided, that protected trees are completely surrounded with continuous rope or flagging and are accompanied by "Tree Protection Area – Keep Out" signs.

B. Preventative Measures. In addition, the applicant shall support tree protection efforts by employing, as appropriate, the following preventative measures, consistent with best management practices for maintaining the health of the tree:

1. Pruning of visible deadwood on trees to be protected or relocated;
2. Application of fertilizer to enhance the vigor of stressed trees;
3. Use of soil amendments and soil aeration in tree protection and planting areas;
4. Mulching over tree dripline areas; and
5. Ensuring proper water availability during and immediately after construction.

C. Alternative Methods. The city may approve the use of alternative tree protection techniques if a protected tree will be protected to an equal or greater degree than through the techniques listed above, as determined by a qualified tree professional at the applicant's expense.

Maintenance. (LFP)

A. All required replacement trees, and relocated trees shown on an approved permit, shall be maintained in healthy condition by the property owner throughout the duration of the construction project or activity and for a reasonable period thereafter as may be provided for in the tree protection and replacement plan, unless otherwise approved by the city in a subsequent permit.

B. Pruning.

1. Protected trees, as defined in this chapter, shall not be topped.
2. Street trees shall be pruned only under the supervision of the Shoreline public works department.
3. Pruning and maintenance of protected trees shall be consistent with best management practices in the field of arboriculture, unless necessary to protect life and property.

Definitions

The following definitions shall apply throughout this chapter unless the context clearly indicates otherwise. Definitions that apply throughout this code are also located in Chapter

Best Management Practices (BMP)

Means conservation practices and management measures designed to protect trees, including:

Avoidance of physical damage to tree trunk, tree branches, foliage and roots;

Restriction of the movement, operation and location of construction material and equipment to avoid the area under the tree canopy.

Minimization of adverse changes in drainage conditions around tree roots;

Minimization of adverse changes to the chemical, physical, structural, and organic characteristic of soil around tree roots;

Minimization of disturbance to native soils;

Conservation practices which the State of Washington Department of Agriculture and Washington State Department of Ecology identify to protect trees. (Lake Forest Park)

Buffer (Critical area)

A designated area contiguous to a steep slope or landslide hazard area intended to protect slope stability, attenuation of surface water flows and landslide hazards or a designated area contiguous to a stream or wetland intended to protect the stream or wetland and be an integral part of the stream or wetland ecosystem. (Shoreline

Caliper

The American Association of Nurserymen standard for trunk measurement of nursery stock. Caliper of the trunk shall be the trunk diameter measured six inches above the ground for up to and including four-inch caliper size and 12 inches above the ground for larger sizes. (Kirkland)

Critical area

Any lands with the following characteristics:

Geologically hazardous areas as defined in ...

Lakes, ponds, stream corridors, and creeks as defined in ...

Identified habitats with which endangered, threatened, or sensitive species as defined in ...

Wetlands as defined in ... (Tumwater)

Critical Root Zone

The area surrounding a tree at a distance from the trunk, which is equal to one foot for every inch of tree diameter at breast height or otherwise determined by a qualified professional. (Kirkland)

Crown

The area of a tree containing leaf- or needle-bearing branches. (Kirkland)

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Wetlands as defined in ... (Tumwater)

Critical Root Zone The area surrounding a tree at a distance from the trunk, which is equal to one foot for every inch of tree diameter at breast height or otherwise determined by a qualified professional. (Kirkland)

Crown

The area of a tree containing leaf- or needle-bearing branches. (Kirkland)

Diameter/Diameter-breast-height (d.b.h.)

The diameter of any tree trunk, measured at four and one-half feet above average grade. For species of trees whose normal growth habit is characterized by multiple stems (e.g., hazelnut, vine maple) diameter shall mean the average diameter of all stems of the tree, measured at a point six inches from the point where the stems digress from the main trunk. a reasonable diameter that equates to the actual crown size. ~~In no case shall a branch more than six inches above average grade be considered a stem.~~ For the purposes of Code enforcement, if a tree has been removed and only the stump remains, the size of the tree shall be diameter of the top of the stump. (Shoreline)

Director

Planning and Development Services Director. (Ord. 406 § 1, 2006.) (Shoreline)

Dripline

An area encircling the base of a tree, the minimum extent of which is delineated by a vertical line extending from the outer limit of a tree's branch tips down to the ground. (Shoreline)

Exceptional Tree

A tree that because of its unique historical, ecological, or aesthetic value constitutes an important community resource, and is designated as such by the Director according to standards and procedures promulgated by the Department of Planning and Development (Seattle)

Impact

A condition or activity that affects a part of a tree including the trunk, branches, and critical root zone. (Kirkland)

Grading

Any excavation, filling, removing the duff layer or any combination thereof. (Shoreline)

Greenbelt

Certain designated areas of a project or development that are intended to remain in a natural condition, and/or private permanent open space. Or serve as a buffer between properties or developments. (Tumwater)

Greenbelt Zone

Any area so designated on the official zoning map of the city and subject to the provisions of ... (From Tumwater refers to TMC 18.30)

Emergency

A situation which requires immediate action to prevent or eliminate an immediate threat to the health or safety of persons, property, or the environment. (Shoreline)

Groundcover

Living plants ~~designed to~~ *which* grow low to the ground (generally one foot or less) and intended to stabilize soils and protect against erosion. (Shoreline)

Grove

A group of three or more significant trees that are in immediate proximity to one another. (Kirkland)

Hazardous Tree

A tree that is dead, or is so affected by a significant structural defect or disease that falling or failure appears imminent, or a tree that impedes safe vision or traffic flow, or that otherwise currently poses a threat to life or property. (Shoreline)

Imminent

Refers to when a tree, or part thereof, could fail at any moment. (Vancouver)

Landmark Tree

Any healthy tree over 30 28 inches in diameter at breast height or any tree that is particularly impressive or unusual due to its size (relative to its species), shape, age, historical significant or any other trait that epitomizes the character of the species, or that is a regional erratic. (Shoreline)

Limit of Disturbance

The boundary between the area of minimum protection around a tree and the allowable site disturbance as determined by a qualified professional. (Kirkland)

Native Growth Protection Area (NGPA)

A tract or easement recorded with a City-approved subdivision established for the purposes of protecting vegetation, providing open space, maintaining wildlife corridors, maintaining slope stability, controlling runoff and erosion, and/or any other purpose designated in the subdivision approval. (Shoreline)

Native Vegetation, Native Plant(s)

A tree, shrub or groundcover plant of a species that is native to western Washington. (Shoreline)

Noxious Weed

Any plant which is highly destructive, competitive or difficult to control by cultural or chemical practices, limited to those plants on the State noxious weed list contained in Chapter 16-750 WAC. (Shoreline)

Nuisance Vegetation

Includes the following:

A. Any trees, plants, shrubs, vegetation or parts thereof, which overhang any sidewalk or street or which are situated on the property or on the portion of the street or sidewalk abutting thereon, in such a manner as to obstruct or impair the free and full use of the sidewalk or street, including the interruption or interference with the clear vision of pedestrians or person operating vehicles thereon, or interfering with sidewalks, streets, poles, wires, pipes, fixtures or any other part of any public utility situated in the street.

B. Shrubs, brush, vines, trees or other vegetation growing or which has grown and died, and organic debris, which constitutes a fire hazard as sited by the Shoreline Fire Department, or proves to be provides a harborage for rats, rodents or horticultural pest infestations. (Shoreline)

Person

An individual, corporation, municipal corporation, LLC, or any other legal entity. (Lake Forest Park)

Protected Tree/Protected Vegetation

A tree or area of understory vegetation identified on an approved tree protection and replacement plan (or other plan determined to be acceptable by the Director) to be retained and protected during construction and/or permanently protected by easement, tract, or covenant restriction. A protected tree includes the tree itself and all understory growth within the Critical Root Zone. A protected tree may be located outside or within a NGPA, sensitive area or sensitive area buffer. (Shoreline)

Protection Measure

A practice or combination of practices (e.g., construction barriers, protective fencing, tree wells, etc.) used to control construction or development impacts to vegetation that is approved for protection. (Shoreline)

Protective Fencing

A temporary fence or other structural barrier installed to prevent permitted clearing or construction activity from adversely affecting vegetation which is designated for retention. (Shoreline)

Qualified Professional

For Arboriculture the individual must be an arborist certified by the International Society of Arboriculture, or a registered consulting arborist from the American Society of Consulting Arborists, and be a qualified professional able to perform tree risk assessments and prescribe appropriate measures necessary for the preservation of trees during land development and have the relevant education and training in arboriculture, or urban forestry.

For Forest Management Plans the individual may be a certified forester by the Society of American Foresters, and must be able to assess wooded sites and prescribe measures for forest health and safety. (Kirkland)

Significant Tree

Any healthy tree that is six inches or greater in diameter at breast height (d.b.h); or any tree with a minimum diameter of four inches (d.b.h.) that, after considering the age, height, value or function, the tree is considered significant. (Lake Forest Park) For example, a Pacific Yew that is 4 inches in dbh is a very old tree and should be protected.

Significantly Wooded Site

A subject property that has a number of significant trees with crowns that cover at least 35 percent of the property. (Kirkland)

Site Disturbance

Any development, construction, or related operation that could alter the subject property, including, but not limited to, tree, tree stump, or snag removal, road, driveway or building construction, installation of utilities, or grading. (Kirkland)

Site Perimeter

The area of the subject property that is 10 feet from the property line. (Kirkland)

Specimen Tree

A viable tree that is considered in very good to excellent health and free of major defects, as determined by the City's Urban Forester. (Kirkland)

Street Tree

A tree in which the trunk is wholly or partially located within the right-of-way. (Vancouver)

Snag

A standing, partly or completely dead tree, often missing a top or most of the smaller branches or the remaining trunk of a dying, diseased or dangerous tree that is reduced in height and stripped of all live branches, which often provides critical habitat for many species.

Target

Person or property that can be damaged by failure of a tree. (Kirkland)

Topping

The removal of the upper crown of the tree with no consideration of proper cuts as per the ANSI A300 Standard. (Tumwater)

Stand

Twenty (20) or more contiguous qualifying trees composed of one or more than one species, irrespective of understory or condition. (Seattle)

Tree

A self-supporting woody plant characterized by one main trunk or, for certain species, multiple trunks, with a potential at maturity for a trunk diameter of two inches and potential minimum height of 10 feet. (Shoreline)

Tree and Vegetation Removal

Removal of a tree(s) or vegetation, through either direct or indirect actions including, but not limited to, clearing, cutting, causing irreversible damage to roots or trunks; poisoning; destroying the structural integrity; and/or any filling, excavation, grading, or trenching in the dripline area of a tree which has the potential to cause irreversible damage to the tree, or relocation of an existing tree to a new planting location. (Shoreline)

Tree canopy

The total area of the tree or trees where the leaves and outermost branches extend, also known as the "dripline." (Shoreline)

Tree, Coniferous

Any of various mostly needle-leaved or scale-leaved, chiefly evergreen, cone-bearing gymnospermous trees, such as pines, spruces, and firs. (Shoreline)

Tree, Deciduous

Trees that shed or otherwise lose their foliage at the end of the growing season, such as maples, alders, oaks, and willows. (Shoreline)

Tree, Evergreen

Trees that maintain the majority of their foliage each year when grown in the Shoreline area. Examples of evergreen trees include pines, firs, Douglas fir, and the Pacific Madrone. (Shoreline)

Tree removal

Removal of a tree(s) or vegetation, through either direct or indirect actions including, but not limited to, clearing, topping or cutting, causing irreversible damage to roots or trunks; poisoning; destroying the structural integrity; and/or any filling, excavation, grading or trenching in the dripline area of a tree which has the potential to cause irreversible damage to the tree, or relocation of an existing tree to a new planting location. (Seattle)

Understory Vegetation

Small trees, shrubs, and groundcover plants, growing beneath and shaded by a significant tree which affect and are affected by the soil and hydrology of the area surrounding the significant tree roots. (Shoreline)

Urban Forestry

The cultivation and management of trees and related plants for their present and potential contribution to the physiological, sociological and economic well-being of urban society. Inherent in this function is a comprehensive program designed to educate the urban populace on the role of trees and related plants in the urban environment. In its broadest sense, urban forestry is one essential facet component of a multi-managerial faceted system that includes encompasses: watersheds within the City, wildlife habitats, outdoor recreation opportunities, landscape design, recycling of municipal vegetative wastes, and tree care in general. (Vancouver)

Vegetation

Any and all non-animal plant life, including molds, algae and fungi, growing at below or above the soil surface. (Shoreline)

Viable Tree

A significant tree that a qualified professional has determined to be in good health, with a low risk of failure due to structural defects, is relatively windfirm if isolated or remains as part of a grove, and is a species that is suitable for its location. (Kirkland)

Windfirm

A condition of a tree in which it can withstand moderate storm winds. (Kirkland)

Shoreline definitions we did not use***Best Management Practices (BMPs)***

A system of practices and management measures that minimize adverse impacts to an identified resource. (see Lake Forest park above)

Tree, Significant

Any healthy, windfirm, and nonhazardous tree eight inches or greater in diameter breast height if it is a conifer and 12 inches or greater in diameter at breast height if deciduous. (See Lake Forest Park above)

Tree, Stand or Cluster

A group of three or more trees of any size or species, whose driplines touch. (See definition of grove above)

Qualified Professional

A person with experience, training and competence in the pertinent discipline. A qualified professional must be licensed to practice in the State of Washington in the related professional field, if such field is licensed. If not licensed, a qualified professional must have a national certification in the pertinent field. If national certification in the field does not exist, the

Definitions

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minimum qualification should be a bachelor's degree with 10 years of related professional work, or master's degree in the field and three years of related professional work. (Ord. 324 § 1, 2003). (See Kirkland Above which is more specific for the subject)



CORBIS

TOOLS

Count the Reasons to Hug a Tree

It's not a mystery that trees are good for the environment, and the Forest Service's Center for Urban Forest Research has a software program to compute that benefit. The Tree Carbon Calculator uses data like a tree's age and location to see how much carbon dioxide it captures from the atmosphere and how much its shade reduces the energy needed for cooling. The program, equipped for California but to be updated nationwide by summer, was created to guide cities, utilities and schools that want to plant trees, said Greg McPherson, the center's director. But homeowners can use it, too. He entered data about the London plane tree outside his office in Davis, Calif., and learned that each year it captures 113 pounds of carbon and saves his building 162 kilowatt-hours in energy, "relatively good numbers." The calculator can be downloaded at www.fs.fed.us/psw. To understand your results, comparative data is at www.fs.fed.us/psw/publications under the first "Publication List."

STEVEN KURUTZ

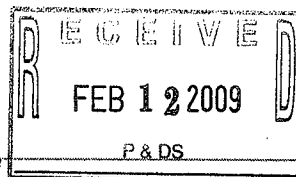
NEW YORK TIMES 1-1-09

RECEIVED

FEB 11 2009

Heidi Costello

City Manager's Office



Item 10a - Attachment 1

From: Barbara Guthrie [Barbara.Guthrie@nwsea.org]
 Sent: Wednesday, February 11, 2009 1:26 PM
 To: City Council
 Subject: stronger Tree Ordinance

• FULL COUNCIL
 • CITY MANAGER
 • STAFF
 • FILE

Julie
 Joe
 Paul Cohen

Dear City of Shoreline Council Member:

Distribution only per John Norris

It is time, in fact overdue, for the City of Shoreline to deal with the loss of our city's tree canopy due to the on-going removal of trees. During the seventeen years I have been a resident of the city, I have seen the loss of many mature conifers and deciduous trees in my neighborhood. This loss is repeated in every neighborhood in the city, done in increments of one or two by homeowners, multiplied many times over the years. Major developments, such as the one on the south end of Echo Lake, also contribute to the overall loss of tree canopy.

This attrition of our tree canopy is concerning on several levels-environmental, quality of life issues, and aesthetics.

- 1) Environmentally, tree removal negatively impacts stormwater management, soil erosion and run-off, water quality, air quality, wildlife habitat and corridors, and our city's ability to sequester carbon.
- 2) The reduction of our city's tree canopy equates to a reduction in noise abatement, climate control and privacy and screening buffers. As development is intensified due to Growth Management mandates, the need for the natural barriers provided by trees will magnify.
- 3) Finally, how do we put a price on the aesthetic value of trees? Picture a street lined with mature trees versus a street with none? Picture a lot with several mature conifers, a large shade tree, such as our native big-leaf maple, and picture a lot with none. What happens to our city character when one by one these mature trees are removed?

I have been part of a small group of citizens pulling together a draft tree ordinance for the to city to consider. Integral to the draft proposal are the following components:

- a tree protection and removal permit process requiring a permit before cutting any significant tree
- redefinition of significant trees
- establishing a city policy of "no net loss" of tree and vegetative cover
- establishing a city policy of an overall healthy tree canopy of not less than 40% city wide
- establishing a city goal to create and implement an urban forestry management plan
- replacement of every significant tree that is removed
- providing a list of preferred species for replacement
- defining enforcement procedures
- providing incentives to plant native trees and retain large trees.

As is obvious from the City Council meeting on Monday February 9th (which I had to miss because of a family member's serious illness), there are varied opinions about tree retention and the value of enhancing Shoreline's tree canopy. In order to get buy-in from the community about the importance of strengthening our city's tree regulations, outreach and education needs to be an integral part of the process. Literature abounds about the important role trees play in stormwater management, pollution filtration, and, of course, a counter to global

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warming. Hopefully informing Shoreline residents about the ecological and economic value trees lend to our urban landscape will counter resistance to the city's adoption of a tree code integrating the components outlined above. I still remember my next door neighbor regretting he had chopped down his mature poplar. He didn't realize, until too late, how much water the poplar retained after a heavy rainstorm. After it was removed, he had to rely on a sump pump to keep his crawl space from flooding.

I hope you concur that the time is NOW to address the loss of Shoreline's tree canopy. I also hope I can count on your support in formulating and putting into practice a strong Tree Ordinance to protect and enhance our urban forest.

Sincerely,

Barbara Guthrie
18531 Ashworth Ave N.
Shoreline, WA 98133

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----- Forwarded Message -----

From: Gini Paulsen <gini_paulsen@yahoo.com>

To: janetway@yahoo.com; Cindy Ryu <cindy4shoreline@yahoo.com>; chriseggen@comcast.net;

Terry Scott <tbscott2@comcast.net>

Cc: Boni Biery <birdsbeesfishtrees@gmail.com>; flyingbear2@gmail.com; Gabrielle <gabbysgardening@gmail.com>

Sent: Saturday, January 24, 2009 8:11:07 AM

Subject: It is a crime to destroy habitat

Hi Janet, Cindy, Terry and Chris -

Yesterday, another one of my neighbors on 12th Ave NE, between NE 162nd and NE 165th cut down a very large old cedar tree which was in his front yard.

This is yet another example of how individuals, in making personal choices of convenience or preference for themselves, have a major impact on the entire environment and neighborhood.

I don't need to tell any of you that the loss of trees increases the levels of CO2 in the air. I read yesterday that the current levels of oxygen in the air are less than half what they were when humans first emerged on this planet. And that human propensity for cutting down trees for agricultural, building and other purposes has led to the ravaging of forests, that is destroying the environment.

This not only affects us, but also other creatures. Specifically I am referring to the sharp decline in the number of species of birds, even common ones, of habitat for bees - commercial honey bees, native and bumble - , of beneficial bugs and butterflies. As Rowan Jacobsen warned in his 2008 book: Colony Collapse Disorder the loss of pollinators means that pollination of food sources - fruits, veggies, nuts, grains - will lead to a crisis in food production that will result in greatly increased food prices, which we are already seeing.

I do not think folks are seeing or hearing any of the warnings that have been made over the past 10 years, so I think regulations with penalties are in order.

A regulation of: remove one (tree), plant another would be a first step. A second step would be impose penalties on those who remove trees. Even a single tree on one's own property is a loss of habitat that we cannot afford.

We must do something before we totally destroy our environment and habitats for all other species, and in the process asphyxiate ourselves,

Gini Paulsen
Shoreline