



Memorandum

DATE: April 25, 2006

TO: Planning Commission

FROM: Joseph W. Tovar, FAICP
Director, Planning and Development Services
Matt Torpey
Planner II, PADS

RE: Proposed Permanent Regulations amending provisions for Hazardous Trees and creating new provisions for Critical Area Stewardship Plans that would enable the limited cutting of trees and other non-hazardous vegetation in critical areas

I. Planning Commission meetings of May 4 and May 18

The Planning Commission's regular meeting of May 4 includes one major agenda item – a study session on staff-proposed permanent regulations governing the cutting of hazardous trees and other vegetation and the creation of a new regulatory tool – the critical areas stewardship plan. The purpose of this study session is to provide an opportunity for the Planning Commission to become familiar with the history, scope, substance, and rationale for the proposed amendments. The staff will provide a section by section review of the proposal and answer any questions of clarification that the Commission members may have. It will also be an opportunity for the Commission to ask for additional information to be researched and presented for the Commission's subsequent consideration on May 18.

Note that the May 4 meeting is not a public hearing. While the public is invited to attend, and the meeting will be televised for the benefit of home viewers, no written or oral public comment is appropriate on May 4. The public hearing has been scheduled for May 18 (see Attachment #1 – public notice) and the staff has been advising citizens of this sequence of events. Likewise, the staff will not be forwarding to the Commission any written public comment prior to the May 4 study session.

The proposed amendments represent the staff's best attempt to craft regulations that will enable the City to be responsive both to state mandates to protect critical areas as well as the rights and reasonable expectations of all citizens and property owners. In preparing

this draft, the staff has communicated with many Shoreline citizens and their representatives, via email, via telephone and in a number of meetings over the past two months. We have attempted to write regulations that fairly balance all those interests and opinions and that the staff can effectively explain and enforce. Even so, we look forward to hearing from the public prior to and during the May 18 public hearing and would like to reserve the opportunity to subsequently provide the Planning Commission with additional and/or revised final recommendations.

II. Overview of proposed ordinance to adopt permanent regulations

The proposed regulations have been put into the format of a proposed ordinance. (Attachment #2) Following is a section-by-section overview of the substance of the ordinance.

Section 1

Section 1 repeals SMC 25.50.310.A.1 (Attachment #3), which is the City's existing exemption from permit requirements for the cutting of hazardous trees. This text has been set aside since January 3, 2006 when the City Council adopted Ordinance No. 407 adopting a moratorium on this language. (See Attachment #4 – Ordinance No. 407). By that same ordinance, the City Council adopted interim controls that have been utilized during the period of moratorium. The City Council subsequently conducted a public hearing on the moratorium and interim controls, slightly amending the provisions of the critical areas regulations, and on April 10, 2006 adopted Ordinance No. 421 (Attachment #5) that extended the moratorium and interim controls to July 3, 2006.

Section 1 also adopts permanent regulations to replace the interim controls. The proposed permanent language is patterned on the language of the interim controls, but has been augmented with a "Statement of Purpose" section, definition of certain terms, and clarification of the procedures necessary for the City to evaluate and authorize the abatement of hazardous situations.

Note that the provisions of Section 1 of the Ordinance applies to all properties in the City, including non-critical areas. However, as a practical matter, the code allows property owners to entirely remove up to six healthy trees every 18 months per SMC 20.50.310.B, so in most instances there would be no need for a property owner to invoke this exemption language for hazardous tree removal in non-critical areas. This text would come into play on non-critical area properties only if a property owner had reached the limit for cutting trees and was then faced with a hazardous tree situation.

Section 2

Section 2 of the proposed ordinance clarifies that the hazardous tree provisions of Section 1 also apply in critical areas of the city.

Section 3

Section 3 of the proposed ordinance creates an entirely new regulatory mechanism – the critical areas stewardship plan. The Planning Commission may recall that a version of this concept was introduced last summer during your deliberations on the Critical Areas Ordinance. The Commission ultimately did not choose to incorporate the concept into your recommendation to the City Council at that time. Both the staff and the original proponent of the stewardship plan are aware of the Commission’s earlier concerns and questions and will be prepared to address them with the current proposal.

The purpose of the critical areas stewardship plan is set forth on page 4 of the draft ordinance. The essential principle underlying this approach is that certain critical areas may be actively managed in ways that both protect their values and functions as well as serve other objectives, including maintenance of safe and secure recreational trails, management of surface water flow to minimize the risk of erosion, flooding and landslides, the preservation of the city’s wooded character, and the preservation or restoration of private views in view-covenanted communities.

The text includes required submittal information and criteria for the City to review, approve, deny or condition a privately-initiated critical area stewardship plan. The Planning Commission would conduct a public hearing on any proposed critical area stewardship plan prior to forwarding a recommendation to the City Council. As a process C permit, the City Council would have final authority to approve, deny, or approve with conditions any critical areas stewardship plan.

ATTACHMENTS:

- #1 Public Notice
- #2 Proposed Ordinance with amended regulations
- #3 Existing text of SMC 25.50.310.A.1
- #4 Ordinance No. 407
- #5 Ordinance No. 421



ITEM 8.A - ATTACHMENT 1

Planning and Development Services

17544 Midvale Avenue N., Shoreline, WA 98133-4921
(206) 546-1811 ♦ Fax (206) 546-8761

CITY OF SHORELINE NOTICE OF APPLICATION AND NOTICE OF PUBLIC HEARING

PROJECT INFORMATION

PROPOSED PROJECT DESCRIPTION: The City of Shoreline is proposing two amendments to its development code. The first code amendment is to adjust the definition and implementation of the hazardous tree code. The second proposed code amendment is to establish a Critical Area Stewardship Plan to allow the alteration of vegetation and trees in critical areas, if it can be proven that there will be no net loss of function and value of the critical area. The City of Shoreline is currently soliciting written comments on the proposed amendments. To view the amendments please visit the City's website at www.cityofshoreline.com or call 206-546-1811 to request a copy. The City of Shoreline Planning Commission will be holding a study session to discuss the amendments on May 4, 2006 at 7:00 p.m. in the Rainier Room at the Shoreline Center, no public comment will be taken at this meeting. A Public Hearing for both of the proposed amendments will be held on May 18, 2006 at 7:00 p.m. in the Rainier Room at the Shoreline Center, public comment will be taken at this meeting.

PROPERTY OWNER/APPLICANT: City of Shoreline, Planning and Development Services

LOCATION: Shoreline, WA 98133, 98177

EFFECTIVE DATE OF NOTICE: April 24, 2006

END OF PUBLIC COMMENT PERIOD: May 8, 2006

PROJECT REVIEW

The Environmental Policy Act (SEPA) checklist has been required for this proposal, and SEPA review is required. The environmental checklist and proposed code amendments are available for viewing at the City Planning and Development Services Department, located at 1110 N. 175th St., Suite # 107.

PUBLIC COMMENT

You are encouraged to submit written comments on this proposal to the Planning and Development Services by 5:00 p.m. May 8, 2006. Written comments become part of the public record, are considered in the development of a SEPA threshold determination, and will be forwarded to the Planning Commission and City Council.

For questions or comments, contact the project manager, Matt Torpey, at 206.546.3826, or write to Planning and Development Services, City of Shoreline, 17544 Midvale Avenue N., Shoreline, WA 98133.

PUBLIC HEARING

The City of Shoreline Planning Commission will be holding a public hearing to discuss the above referenced proposed code amendments. The public hearing will be held on May 18, 2006 at 7:00 p.m. in the Rainier Room at the Shoreline Center. The Shoreline Center is located at 18560 1st Ave. NE in Shoreline.

The Public Hearing is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 206.546.8919 in advance for information. For TTY telephone service, call 206.546.0457. For up-to-date information on future agendas, call 206.546.2190.

ITEM 8.A - ATTACHMENT 2

CITY OF SHORELINE, WASHINGTON ORDINANCE NO. _____

AN ORDINANCE amending the Shoreline Municipal Code to update regulations relating to tree cutting, amending SMC 20.50.310 regarding exemptions from permit requirements for hazardous trees, amending SMC 20.80.080 to adopt by reference the provisions of SMC 20.50.310.A.1 as amended, adding a new section SMC 20.80.085 providing for City review and approval of Critical Areas Stewardship Plans, considering the goals and requirements of the Growth Management Act, Chapter 36.70A RCW, including the provisions that pertain to the designation and protection of critical areas, and establishing an effective date.

WHEREAS, the City of Shoreline is a jurisdiction planning under the Growth Management Act and is therefore subject to the goals and requirements of Chapter 36.70A. RCW during the preparation and adoption of development regulations, including those that pertain to the cutting of trees, whether or not those trees are in a critical area designated pursuant to RCW 36.70A.170; and

WHEREAS, the Shoreline City Council adopted Ordinance No. 407 on January 3, 2006 which placed a moratorium on the use and application of SMC 20.50.310.A.1 (hazardous vegetation exemption for clearing and grading permits on private property) and adopted interim regulations to govern hazardous tree abatement; and

WHEREAS, the Shoreline City Council conducted a public hearing on February 6, 2006 to hear comment on Ordinance No. 407, after which hearing the City Council adopted Ordinance No. 411, amending Ordinance No. 407 by adding "recreational trails" to the list of potential targets to be considered when evaluating requests to cut hazardous trees; and

WHEREAS, by its terms, Ordinance 407, as amended, would have expired on May 3, 2006; and

WHEREAS, the Shoreline City Council has directed the Director of the Department of Planning and Development Services (the Director) to work with various stakeholders and interested citizens in the preparation of proposed permanent regulations to deal not only with the subject of hazardous trees, but to create a regulatory mechanism for the City to consider and potentially authorize the limited cutting of trees for the purpose of view preservation; and

WHEREAS, the Director did communicate with and meet several times with individual citizens as well as stakeholder groups in order to hear their suggestions and concerns regarding the City's tree regulations; and

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WHEREAS, in preparing the proposed permanent tree regulations, it became apparent to the Director that additional time would be necessary to circulate the proposal for public review and comment prior to a public hearing before the Shoreline Planning Commission; and

WHEREAS, the Shoreline City Council conducted a public hearing on April 10, 2006 on the subject of whether to extend for an additional two months the moratorium adopted by Ordinance 407, as amended, after which the City Council adopted Ordinance 422 to extend the effective date of the moratorium to July 3, 2006; and

WHEREAS, the Director broadly disseminated public notice of the availability for public review the proposed permanent tree regulations at City Hall and on the City's website, and likewise gave public notice of scheduled review and public hearings before the Shoreline Planning Commission; and

WHEREAS, the Shoreline Planning Commission conducted a study session workshop on the proposed permanent regulations on May 4, 2006 and conducted a public hearing on May 18, 2006; after which the Commission forwarded a recommendation to the City Council;

NOW, THEREFORE, the City Council of the City of Shoreline adopts Ordinance No. ____ which amends the Shoreline Municipal Code as follows:

Section 1. Repealer. SMC 20.50.310.A.1 (hazardous vegetation exemption for clearing and grading permits for private property) is hereby repealed, and replaced with the following:

20.50.310 Exemptions from permit

1. Emergency situations 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.

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- b. For purposes of this section, "Director" means the Director of the Department of Planning and Development Services and his or her designee.
- c. For purposes of this section, "peer review" means an evaluation performed by a qualified professional retained by and reporting to the Director. The Director may require that the cost of "peer view" be paid by the individual or organization requesting either an exemption or critical areas stewardship plan approval under this section.
- d. In addition to other exemptions of Subchapter 5 of the Development Code, SMC 20.50.290-.370, a permit exemption request for the cutting of any tree or clearing vegetation 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.
- e. For trees or vegetation 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.
- f. 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.
- g. 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, registered landscape architect, or professional forester.
- h. 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.
- i. Approval to cut or clear vegetation may only be given if the Director concludes that the condition constitutes an actual threat to life or property in homes, private yards, buildings, public or private streets and driveways, recreational trails, improved utility corridors, or access for emergency vehicles.
- j. 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

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significant trees. 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.

(The remainder of this section is not proposed to change.)

Section 2. SMC 20.80.080 is amended by the addition of a new subsection as follows:

20.80.080 Alteration or development of critical areas – Standards and criteria.

G. The provisions for emergency situations regarding hazardous trees and other vegetation at SMC 20.50.310.A.1 is adopted by reference. In addition, the removal, restoration and management of vegetation within a critical area may be permitted by the City as provided in SMC 20.80.085.

Section 3. New Section, SMC 20.80.087 is adopted as follows:

20.80.87 Critical Areas stewardship plan.

1. Statement of Purpose – the purpose of a critical areas stewardship plan is to provide a mechanism for the City to comprehensively review and approve, deny, or approve with conditions, private proposals to manage, maintain, cut and/or restore trees, other vegetation, natural features and trails in large critical areas of the city. The stewardship plan also provides a regulatory tool for the City make a reasonable accommodation of private view rights in view-covenanted communities while still meeting the over-arching statutory mandate to protect critical areas.
2. In addition to the provisions of SMC 20.80.080.G, the removal, restoration, and management of vegetation in critical areas and their buffers may be reviewed and authorized by the City if approved under a critical areas stewardship plan. An approved stewardship plan may authorize the limited cutting of non-hazardous vegetation in order to preserve private views of the Olympic Mountains and Puget Sound that existed at the time of the submittal of the plan.
3. A critical areas stewardship plan must be processed through Process C, SMC 20.30.060 and satisfy all of the following criteria:
 - a. The minimum area of land within a stewardship plan is 10 acres.
 - b. A stewardship plan may include non-contiguous parcels under the same ownership.
 - c. The implementation of the Plan's provisions shall result in no net loss of the functions and values of the subject critical area(s).

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- d. The implementation of the Plan's provisions shall assure that the natural hydrological systems, native vegetation, and any fish or wildlife habitat on site, or functionally connected to the site, will be maintained, restored, or enhanced.
 - e. The provisions of the stewardship plan provide sufficient legal and practical means for the City to assure compliance with its provisions.
 - f. The public health, safety, and welfare will be served.
4. A critical areas stewardship plan must be initiated by the applicant property owner(s) of the parcel(s) proposed to be included within the scope of the Plan. The applicant shall bear the cost to the City to retain qualified professionals to assist the City in its review of the submitted stewardship plan.
5. An application for a critical areas stewardship plan shall include at least the following:
- a. A dated inventory of known watercourses, significant vegetation, and physical improvements (including but not limited to trails and underground and overhead utilities lines), identification of soils conditions, identification of areas with slopes in excess of 15%, identification of areas with slopes in excess of 40%, and fish or wildlife habitat associated with species that are present on site or immediately adjacent.
 - b. A scaled topographic map on which named or numbered proposed "management zones" will be displayed.
 - c. A narrative describing applicable objectives, policies, principles, methodologies and vegetation management practices that will be employed to achieve the stated objectives in the delineated management zones.
 - d. A scientific assessment performed by qualified professionals of all of the ecological functions and values of the site and how the identified functions and values would be affected by the provisions of the proposed stewardship plan.
 - e. Other graphic or narrative information that will assist the City in evaluating whether the proposed stewardship plan satisfies the stated private objectives while also enabling the City to provide reasonable assurance that the "values and functions" of the critical area in question will be maintained.
 - f. A legal instrument in a form approved by the City Attorney to assure that the Director, city staff or consultants may enter the property in order to evaluate the physical and scientific circumstances that exist on site, including peer review, and to assure compliance with the provisions and conditions of any approved stewardship plan.

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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 situations involving danger to life or property or substantial fire hazards. Any tree or vegetation which is an immediate threat to public health, safety, or welfare, or property may be removed without first obtaining a permit regardless of any other provision contained in this subchapter. If possible, trees should be evaluated prior to removal using the International Society of Arboriculture method, Hazard Tree Analysis for Urban Areas, in its most recent adopted form. The party removing the tree will contact the City regarding the emergency, if practicable, prior to removing the tree.

ORDINANCE NO. 407

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, ADOPTING A MORATORIUM AND INTERIM CONTROL PURSUANT TO RCW 35A.63.220 PROHIBITING THE CUTTING OF TREES IN CRITICAL AREAS AND PROHIBITING LAND CLEARING OR GRADING IN CRITICAL AREAS, AND DECLARING AN EMERGENCY

WHEREAS, under the provisions of the Growth Management Act the City is required to adopt development regulations to designate and protect critical areas; and

WHEREAS, SMC 20.50.310.A.1 effectively authorizes property owners to remove “hazardous trees” without a before-the-fact judgment by the City as to whether the circumstances constitute an actual and immediate threat to public health, safety or welfare; and

WHEREAS, SMC 20.50.310.A.1 does not require removal of hazardous trees from private property in a manner which will protect critical areas or the replanting of trees to prevent the loss of critical area functions and values after removal ;

WHEREAS, the continued operation of SMC 20.50.310.A.1 is likely to result in ongoing tree cutting, clearing and grading in critical areas of the City, contrary to the state’s explicit public policy of protecting critical areas and the general public interest; and

WHEREAS, an interim control for four months will allow the City to preserve planning options and prevent substantial change to critical areas while the Planning Commission and city staff engage the public and various stakeholder groups in crafting permanent development regulations, including but not limited to such alternatives as a vegetation management plan; and

WHEREAS, the City Council has determined from recent public correspondence and comment that the City’s ability to protect its critical areas will suffer irreparable harm unless interim controls are placed on the cutting of trees and the modification of land surfaces within such areas; and

WHEREAS, the potential adverse impacts upon the public safety, welfare, and peace, as outlined herein, justify the declaration of an emergency; and

WHEREAS, pursuant to SEPA regulations, SMC 20.30.550 adopting Washington Administrative Code Section 197-11-880, the City Council finds that an exemption under SEPA for this action is necessary to prevent an imminent threat to public health and safety and to prevent an imminent threat of serious environmental degradation through continued development under existing regulations. The City shall conduct SEPA review of any permanent regulations proposed to replace this moratorium; now, therefore,

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

Section 1. Finding of Fact. The recitals set forth above are hereby adopted as findings of the City Council.

Section 2. Moratorium. A moratorium is adopted upon the use or application of SMC 20.50.310.A.1 (hazardous vegetation exemption for clearing and grading permits for private property). No land clearing and grading shall be permitted on private property except as permitted under the interim control as adopted in Section 3 of this ordinance.

Section 3. Interim Controls adopted. The City adopts the following interim controls pursuant to the authority of RCW 35A.63.220:

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

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

Section 4. Public Hearing. Pursuant to RCW 35A.63.220 the City Clerk shall notice a public hearing before the City Council to take testimony concerning this moratorium within sixty days of passage of this ordinance.

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Section 5. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 6. Effective Date. The City Council declares that an emergency exists requiring passage of this ordinance for the protection of public health, safety, welfare and peace based on the Findings set forth in Section 1 of this ordinance. This ordinance shall take effect and be in full force immediately upon passage and shall expire four months from its effective date unless extended or repealed according to law.

Section 7. Publication. A summary of this ordinance consisting of the title shall be published in the official newspaper of the City.

PASSED BY THE CITY COUNCIL ON JANUARY 3, 2006

Mayor

ATTEST:

APPROVED AS TO FORM:

Scott Passey
City Clerk

Ian Sievers
City Attorney

Date of Publication: January 5, 2006
Effective Date: January 3, 2006

ITEM 8.A - ATTACHMENT 5

ORDINANCE NO. 421

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, EXTENDING A MORATORIUM AND INTERIM CONTROL PURSUANT TO RCW 35A.63.220 PROHIBITING THE CUTTING OF TREES IN CRITICAL AREAS AND PROHIBITING LAND CLEARING OR GRADING IN CRITICAL AREAS UNTIL JULY 3, 2006

WHEREAS, under the provisions of the Growth Management Act the City is required to adopt development regulations to designate and protect critical areas; and

WHEREAS, the City of Shoreline City Council enacted an emergency moratorium on the cutting of hazardous trees on January 3, 2006 with Ordinance No. 407 as amended by Ordinance No. 411; and

WHEREAS, the City of Shoreline has four months from the original date of passage to either let the moratorium expire or enact permanent regulations; and

WHEREAS, an interim control for two additional months will allow the City to preserve planning options and prevent substantial change to critical areas while the Planning Commission and city staff engage the public and various stakeholder groups in crafting permanent development regulations, including but not limited to such alternatives as a vegetation management plan; and

WHEREAS, the City Council has determined from recent public correspondence and comment that the City's ability to protect its critical areas will suffer irreparable harm unless interim controls are placed on the cutting of trees and the modification of land surfaces within such areas; and

WHEREAS, pursuant to SEPA regulations, Washington Administrative Code Section 197-11-800, the City Council finds that the purpose of the moratorium and interim controls relates to procedures for authorizing removal of hazardous trees rather than substantive standards that modify the environment and are there for exempt from SEPA review.; now, therefore,

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

Section 1. Finding of Fact. Based upon the public hearing held on the extension of Ordinance No. 407 as amended by Ordinance No. 411 for two months to July 3, 2006, the recitals set forth above are hereby adopted as findings of the City Council.

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Section 2. Moratorium Extended. The expiration date of Sections 2 of Ordinance 407 and 3 of Ordinance 411 shall be extended to July 3, 2006.

Section 3. Effective Date. This ordinance shall take effect and be in full force five days following passage and publication of a summary consisting of its title.

PASSED BY THE CITY COUNCIL ON APRIL 10, 2006

ATTEST:

Mayor Robert L. Ransom
APPROVED AS TO FORM:

Scott Passey
City Clerk

Ian Sievers
City Attorney

Date of Publication: April 13, 2006
Effective Date: April 18, 2006