AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, PERTAINING TO CLEARING AND GRADING; AMENDING SECTION 16.15.020 OF THE SAMMAMISH MUNICIPAL CODE TO ESTABLISH THE DEFINITION OF TREE DIAMETER; AMENDING SECTION 16.15.050 SMC TO CLARIFY PERMIT REQUIREMENTS FOR THE CLEARING OF TREES OUTSIDE OF SENSITIVE AREAS OR BUFFERS BASED UPON A DIAMETER OF EIGHT INCHES OR LESS FOR CONIFEROUS TREES AND TWELVE INCHES OR LESS FOR DECIDUOUS TREES.

WHEREAS, Chapter 16.15 of the Sammamish Municipal Code (SMC) establishes criteria for the removal of vegetation, regardless of type or location; and,

WHEREAS, the City has an informal policy of not requiring clearing permits for coniferous trees less than eight inches in diameter or for deciduous trees less than twelve inches in diameter; and,

WHEREAS, Chapter 16.15.050 SMC does not require a permit for emergency tree removal within sensitive areas; and,

WHEREAS, it is reasonable and appropriate that Chapter 16.15 SMC be amended to regulate removal of trees over a certain diameter by requiring a clearing permit for removal or cutting; and,

WHEREAS, it is reasonable and appropriate to not exempt tree cutting within sensitive areas or buffers from permit requirements.

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

Section 1. Section 16.15.020 SMC, Definitions, is hereby amended to read as follows:

Certain words and phrases used in this chapter, unless otherwise clearly indicated by their context, mean as follows:

* * *

(9) "DBH" means the diameter of a tree as measured from breast height (54 inches above the ground).
(9 10) "Earth material" is any rock, natural soil, or any combination thereof.
(10 11) "Erosion" is the wearing away of the ground surface as the result of the movement of wind, water and/or ice.
(12) "Excavation" is the removal of earth material.
(13) "Fill" is a deposit of earth material placed by mechanical means.
(14) "Grade" means the elevation of the ground surface.
   (a) "Existing grade" is the grade prior to grading.
   (b) "Rough grade" is the stage at which the grade approximately conforms to the
       approved plan as required in SMC 16.15.070.
   (c) "Finish grade" is the final grade of the site that conforms to the approved plan
       as required in SMC 16.15.070.
(15) "Grading" is any excavating, filling, removing of the duff layer, or combination
    thereof.
(16) "Grading and clearing permit" means the permit required by this chapter for
    grading and clearing activities, including temporary permits.
(17) "Reclamation" means the final grading and land restoration of a site.
(18) "Shorelines" means those lands defined as shorelines in the State Shorelines
    Management Act of 1971.
(19) "Site" is any lot or parcel of land or contiguous combination thereof where
    projects covered by this chapter are performed or permitted where a public street or way
    may intervene.
(20) "Slope" is an inclined ground surface, the inclination of which is expressed as a
    ratio of vertical distance to horizontal distance.
(21) "Soil engineer" means a person who has earned a degree in geology from an
    accredited college or university, or a person who has equivalent educational training and
    has experience as a practicing geologist.
(22) "Structure" is that which is built or constructed, an edifice or building of any
    kind, or any piece of work artificially built up or composed of parts jointed together in
    some definite manner.
(23) "Terrace" is a relatively level step excavated or constructed on the face of a
    graded slope surface for drainage and maintenance purposes.
(24) "Tidelands" means that portion of the land that is covered and uncovered by the
    ebb and flood tide.
(25) "Tree" is a large woody perennial plant usually with a single main stem or trunk
    and generally over 25 feet tall at maturity.
(26) "Understory" is the vegetation layer of a forest that includes shrubs, herbs,
    grasses, and grass-like plants, but excludes native trees.
(27) "Vegetation" means any and all organic plant life growing at, below, or above the
    soil surface.

Section 2. Section 16.15.050 SMC, Clearing and grading permit required – Exceptions,
    is hereby amended to read as follows:

No person shall do any clearing or grading without first having obtained a clearing and
grading permit from the director except for the following:

* * *
(8) Within sensitive areas, as regulated in Chapter 21A.50 SMC, the following activities are exempt from the clearing requirements of this chapter and no permit shall be required:
(a) Normal and routine maintenance of existing lawns and landscaping subject to the limitations on the use of pesticides in sensitive areas as set out in Chapter 21A.50 SMC;
(b) Emergency tree removal to prevent imminent danger or hazard to persons or property;
(c) Normal and routine horticultural activities associated with commercial orchards, nurseries, or Christmas tree farms subject to the limitations on the use of pesticides in sensitive areas as set out in Chapter 21A.50 SMC. This does not include clearing or grading in order to develop or expand such activities;
(d) Normal and routine maintenance of existing public parks and private and public golf courses. This does not include clearing or grading in order to develop or expand such activities in sensitive areas. For the purpose of this subsection, a park is defined as: any real property managed for public use that has been previously maintained as a park or has been developed as a park pursuant to a properly issued permit;
(e) Removal of noxious weeds from steep slope hazard areas and the buffers of streams and wetlands subject to the limitations on the use of pesticides in sensitive areas as set out in Chapter 21A.50 SMC;
(f) Pruning and limbing of vegetation for maintenance of above ground electrical and telecommunication facilities; provided, that the clearing is consistent with the electric, natural gas, cable communication and telephone utility exemption in sensitive areas as regulated in Chapter 21A.50 SMC.

(9) The cutting and removal of any coniferous tree of less than eight (8) inches DBH or any deciduous tree of less than twelve (12) inches DBH when not located within a sensitive area or buffer.

Section 3. 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 pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 4. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.


CITY OF SAMMAMISH

[Signature]
Mayor Kathleen Huckabay
ATTEST/AUTHENTICATED:

Melanie Anderson, City Clerk

Approved as to form:

Bruce L. Disend, City Attorney

Filed with the City Clerk: May 27, 2004
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