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## CITY OF LYNNWOOD

ORDINANCE NO. 1035

AN ORDINANCE REGULATING THE REMOVAL OR DESTRUCTION OF TREES AND GROUND COVER ON UNDEVELOPED PROPERTY AND PARTIALLY DEVELOPED PROPERTY, AND ESTABLISHING A LAND CLEARING PERMIT PROCEDURE WITHIN THE CITY OF LYNNWOOD AND REPEALING ORDINANCE NUMBER 1004.

WHEREAS, the City Council of the City of Lynnwood having determined that these regulations will promote the public health, safety and general welfare of the community and are in best interests of the citizens of Lynnwood, now, therefore,

THE CITY COUNCIL OF THE CITY OF LYNNWOOD DO ORDAIN AS FOLLOWS:

SECTION 1. Short Title. This Ordinance shall be known and may be cited as the "Land Clearing Code" of the City of Lynnwood.

SECTION 2. Purposes and Permit Criteria. These regulations are adopted for the following purposes. The City Staff shall consider such purposes as criteria or standards for the issuance of Land Clearing permits under Section 4 of this Ordinance:

- (a) To promote the public health, safety, and general welfare of the citizens of Lynnwood.
- (b) To preserve and enhance the City's physical and aesthetic character by preventing indiscriminate removal or destruction of trees and ground cover on undeveloped and partially developed property.
- (c) To promote land development practices that result in a minimal disturbance to the City's vegetation and soils.
- (d) To minimize surface water and ground water runoff and diversion and to prevent erosion and reduce the risk of slides.
- (e) To minimize the need for additional storm drainage facilities.
- (f) To acknowledge that trees and ground cover reduce air pollution by producing pure oxygen from carbon dioxide.
- (g) To promote building and site planning practices that are consistent with the City's natural topographical and vegetational features while at the same time recognizing that certain factors such as condition (e.g. disease, danger of falling, etc.) proximity to existing and proposed structures and improvements, interference with utility services, protection of scenic views, and the realization of a reasonable enjoyment of property may require removal of certain trees and ground cover.

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- (h) To insure prompt development, restoration and replanting and effective erosion control of property after land clearing through the use of phase development, performance bonds, and other reasonable controls.
- (i) To reduce siltation and water pollution.
- (j) To implement the goals and objectives of the Washington State Environmental Policy Act.
- (k) It is not the intent or purpose of this Ordinance to prevent the reasonable development of land in the City of Lynnwood.

SECTION 3. Definitions.

- (a) "City" shall mean the City of Lynnwood.
- (b) "City Staff" shall mean the department(s) directed by the Mayor to implement this Ordinance.
- (c) "Ground Cover" shall mean small plants such as salal, ivy, ferns, mosses, grasses or other types of vegetation which normally cover the ground and shall include trees less than six (6) inches in diameter measured at three(3) feet above the ground level.
- (d) "Land Clearing" shall mean the act of removing or destroying trees or ground cover from any undeveloped or partially developed lot or public lands.
- (e) "Partially Developed Lot" shall mean a lot or parcel of land upon which a single family dwelling is located and which contains an area in excess of 16,000 square feet.
- (f) "Developed Single Family Residential Lot" shall mean a legally platted lot of less than 16,000 square feet upon which a single family, habitable dwelling exists.
- (g) "Tree" shall mean any living woody plant characterized by one main stem or trunk and many branches, and having a diameter of six (6) inches or more measured at three(3) feet above the ground level.
- (h) "Undeveloped Lot" shall mean a lot or parcel of land upon which no habitable single family dwelling exists.

SECTION 4. Permits. No person, corporation, or other legal entity shall engage in or cause land clearing in the City without having obtained a clearing permit.

SECTION 5. Exemptions. The following shall be exempt from the provisions of this Ordinance.

- (a) Planned Unit Developments, provided, that land clearing on such projects shall take place only after Council approval and shall be in accordance with such approval.

- (b) The installation and maintenance of fire hydrants, water meters, water and sewer mains, pumping stations, street furniture and street improvements by the City or its contractors.
- (c) Removal of trees and ground cover in emergency situations involving immediate danger to life or property or substantial fire hazards.
- (d) Removal of dead or diseased ground cover or trees.
- (e) Removal of trees or ground cover on partially developed lots for purposes of general property and utility maintenance, landscaping or gardening, provided that this exemption shall not apply to any land clearing which includes the use of a bulldozer or similar mechanical equipment and shall not be construed to eliminate the requirement of permits for land clearing for the purpose of developing the property with substantial permanent improvements such as roads, driveways, utilities, or buildings.
- (f) Developed Single Family Residential Lots.

SECTION 6. Application for Permits.

- (a) An application for a Land Clearing Permit shall be submitted by the owner or authorized agent on a form provided by the City and shall be accompanied by such of the following documents and information as are determined to be necessary by the City Staff.
  - 1. Two prints of the map or plot plan of the property on which clearing is to be done.
  - 2. Name, address, and telephone number of applicant and owner of property.
  - 3. Legal description of such property.
  - 4. Date, north arrow, and adequate scale as determined by the City Staff, on the map or plot plan.
  - 5. Topography map showing contours at intervals as determined by the City. Any existing open storm drainage channels, utility lines and easements.
  - 6. Location of proposed improvements including but not limited to: structures, driveways, utilities, and storm drainage facilities.
  - 7. Location of building setback lines, and approximate demarcation of land cuts including but not limited to foundations, retaining walls and driveways.
  - 8. A proposed time schedule for land clearing, land restoration, implementation of erosion control and any excavation or construction of improvements.
  - 9. A plan showing the placement of excavated material, fill of excavated material, fill and other graded material, method to be followed in erosion control and statement indicating the method of restoration of land during and immediately following the construction period.

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10. General location, type, range of size and condition of trees and ground cover. Identification by areas of trees and ground cover which are to be removed.
11. Proposed landscape plan.
12. Other information as deemed necessary by the City Staff:
  - (a) No applications will be accepted until there has been preliminary plat approval.
  - (b) The City Staff shall complete its review and make its decision within twenty (20) working days from the date a complete application is submitted, unless an extension is authorized by the City Council.
  - (c) Any permit granted hereunder shall expire one (1) year from the date of issuance. Approved plans shall not be amended without authorization of the City Staff. The permit may be suspended or revoked by the City Staff because of incorrect information supplied, not following the approved plan or any violation of the provisions of this Ordinance.
  - (d) No work shall commence until a permit notice has been posted on the subject site at a conspicuous location. The notice shall remain posted until the project has been completed.
  - (e) The City shall be advised by the property owner or authorized agent, the day prior to beginning any land clearing operations.
  - (f) No land clearing will be started until five (5) days after permit has been issued.
  - (g) No land clearing will be permitted on weekends or holidays without prior written approval of the Mayor.

SECTION 7. Performance Bond or Cash Guarantee. The City Staff may require, as a condition to the granting of a permit, that the applicant furnish a performance bond or Cash Guarantee to the City to secure the applicant's obligation, after the approved land clearing has been accomplished, to complete the restoration and replanting of the property in accordance with the terms of his permit and within the term thereof. The bond shall be in an amount equal to the estimated cost of such restoration and replanting and with surety and conditions satisfactory to the City Staff.

SECTION 8. Appeals. Any person or persons aggrieved by any action of the City Staff may within five (5) days of such action file a written notice of appeal with the City Council setting forth the reasons for such an appeal. The City Council shall hear and determine the matter and may affirm, modify or disaffirm the administrative decision within twenty (20) days of the filing of notice of appeal.

SECTION 9. Civil/Criminal Enforcement. A violation of any of the provisions of this Ordinance shall be a misdemeanor and any person found guilty thereof shall be punished by a fine not to exceed \$500.00. It shall be a separate offense for each and every day or portion thereof during which any violation of any part of the provisions of this Ordinance is committed, continued or permitted.

SECTION 10. Injunctive Enforcement. Any violation of the provisions of this Ordinance is hereby declared to be a public nuisance and may be abated through proceedings for injunctive or similar relief in Superior Court or other court of competent jurisdiction.

SECTION 11. Severability. If any section, paragraph, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 12. Permit Fee. After review and approval of the application a Land Clearing Permit will be issued at a cost of twenty-five (25) dollars.

SECTION 13. THAT ORDINANCE NO. 1004 OF THE CITY OF LYNNWOOD WHICH READS AS FOLLOWS, TO WIT:

"Section 1. Short Title. This Ordinance shall be known and may be cited as the 'Land Clearing Code' of the City of Lynnwood.

"Section 2. Purposes and Permit Criteria. These regulations are adopted for the following purposes. The City Staff shall consider such purposes as criteria or standards for the issuance of Land Clearing permits under Section 4 of this Ordinance:

- (a) To promote the public health, safety, and general welfare of the citizens of Lynnwood.
- (b) To preserve and enhance the City's physical and aesthetic character by preventing indiscriminate removal or destruction of trees and ground cover on undeveloped and partially developed property.

- (c) To promote land development practices that result in a minimal disturbance to the City's vegetation and soils.
- (d) To minimize surface water and ground water runoff and diversion and to prevent erosion and reduce the risk of slides.
- (e) To minimize the need for additional storm drainage facilities.
- (f) To retain clusters of trees for the abatement of noise and wind protection.
- (g) To acknowledge that trees and ground cover reduce air pollution by producing pure oxygen from carbon dioxide.
- (h) To minimize devaluation of property values due to unnecessary destruction of trees and ground cover.
- (i) To promote building and site planning practices that are consistent with the City's natural topographical and vegetational features while at the same time recognizing that certain factors such as condition (e.g. disease, danger of falling, etc.) proximity to existing and proposed structures and improvements, interference with utility services, protection of scenic views, and the realization of a reasonable enjoyment of property may require removal of certain trees and ground cover.
- (j) To insure prompt development, restoration and replanting and effective erosion control of property after land clearing through the use of phase development, performance bonds, and other reasonable controls.
- (k) To reduce siltation and water pollution.
- (l) To implement the goals and objectives of the Washington State Environmental Policy Act.
- (m) To implement and further the City's Comprehensive Plan.
- (n) It is not the intent or purpose of this Ordinance to prevent the reasonable development of land in the City of Lynnwood.

"SECTION 3. Definitions.

- (a) "City" shall mean the City of Lynnwood.
- (b) "City Staff" shall mean the department(s) directed by the Mayor to implement this Ordinance.
- (c) "Ground Cover" shall mean small plants such as salal, ivy, ferns, mosses, grasses or other types of vegetation which normally cover the ground and shall include trees less than four (4) inches in diameter measured at twenty-four (24) inches above the ground level.

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- (d) "Land Clearing" shall mean the act of removing or destroying trees or ground cover from any undeveloped or partially developed lot, public lands or public right-of-way.
- (e) "Partially Developed Lot" shall mean a lot or parcel of land upon which a single family dwelling is located and which is of sufficient area so as to be capable of subdivision in accordance with the City of Lynnwood Subdivision Regulations.
- (f) "Tree" shall mean any living woody plant characterized by one main stem or trunk and many branches, and having a diameter of four (4) inches or more measured at twenty-four (24) inches above the ground level.
- (g) "Undeveloped Lot" shall mean a lot or parcel of land upon which no single family dwelling exists.

" SECTION 4. Permits. No person, corporation, or other legal entity shall engage in or cause land clearing in the City without having obtained a land clearing permit.

" SECTION 5. Exemptions. The following shall be exempt from the provisions of this Ordinance:

- (a) Planned Unit Developments, provided, that land clearing on such projects shall take place only after final approval and shall be in accordance with such approval.
- (b) The installation and maintenance of fire hydrants, water meters and pumping stations, and street furniture by the City or its contractors.
- (c) Removal of trees and ground cover in emergency situations involving immediate danger to life or property or substantial fire hazards.
- (d) Removal of dead or diseased ground cover or trees.
- (e) Removal of trees or ground cover on partially developed lots for purposes of general property and utility maintenance, landscaping or gardening, provided that this exemption shall not apply to any land clearing which includes the use of a bulldozer or similar mechanical equipment and shall not be construed to eliminate the requirement of permits for land clearing for the purpose of developing the property with substantial permanent improvements such as roads, driveways, utilities, or buildings.

" SECTION 6. Application for Permits.

- (a) An application for a Land Clearing Permit shall be submitted on a form provided by the City and shall be accompanied by such of the following documents and information as are determined to be necessary by the City Staff.

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1. Four prints of the map or plot plan.
2. Name, address, and telephone number of applicant and owner of property.
3. Legal description of such property.
4. Date, north arrow, and adequate scale as determined by the City Staff, on the map or plot plan.
5. Topography map showing contours at five foot intervals.
6. Location of proposed improvements (including but not limited to: structures, driveways, utilities, and storm drainage facilities).
7. Location of building setback lines, and approximate demarcation of land cuts including but not limited to foundations, retaining walls and driveways.
8. A proposed time schedule for land clearing, land restoration, implementation of erosion control and any excavation or construction of improvements.
9. A plan showing the placement of excavated material, fill of excavated material, fill and other graded material, and statement indicating the method to be followed in erosion control and restoration of land during and immediately following the construction period.
10. Location, type, size and condition of trees and ground cover. Identification of trees and ground cover which are to be removed.
11. Proposed landscape plan.
12. Other information as deemed necessary by the City Staff.
  - (a) The City Staff shall complete its review and make its decision within twenty (20) days from the date a complete application is submitted, unless an extension is authorized by the City Council.
  - (b) Any permit granted hereunder shall expire one (1) year from the date of issuance. Upon a showing of good cause, a permit may be extended for six (6) months. Approved plans shall not be amended without authorization of the City Staff. The permit may be suspended or revoked by the City Staff because of incorrect information supplied or any violation of the provisions of this Ordinance.
  - (c) No work shall commence until a permit notice has been posted on the subject site at a conspicuous location. The notice shall remain posted until the project has been completed.



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"SECTION 7. Performance Bond. The City Staff may require, as a condition to the granting of a permit, that the applicant furnish a performance bond to the City to secure the applicant's obligation, after the approved land clearing has been accomplished, to complete the restoration and replanting of the property in accordance with the terms of his permit and within the term thereof. The bond shall be in an amount equal to the estimated cost of such restoration and replanting and with surety and conditions satisfactory to the City Staff.

"SECTION 8. Appeals. Any person or persons aggrieved by any action of the City Staff may within ten (10) days of such action file a notice of appeal with the City Council setting forth the reasons for such an appeal. The City Council shall hear and determine the matter and may affirm, modify or disaffirm the administrative decision within forty-five (45) days of the filing of notice of appeal.

"SECTION 9. Criminal Enforcement. A violation of any of the provisions of this Ordinance shall be a misdemeanor and any person found guilty thereof shall be punished by a fine not to exceed \$500.00. It shall be a separate offense for each and every day or portion thereof during which any violation of any part of the provisions of this Ordinance is committed, continued or permitted.

"SECTION 10. Injunctive Enforcement. Any violation of the provisions of this Ordinance is hereby declared to be a public nuisance and may be abated through proceedings for injunctive or similar relief in Superior Court or other court of competent jurisdiction.

"SECTION 11. Severability. If any section, paragraph, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid such decision shall not affect the validity of the remaining portions of the Ordinance.

"SECTION 12. This Ordinance shall take effect immediately after its passage, approval and publication."

SHOULD BE AND THE SAME IS HEREBY REPEALED.

SECTION 14. This Ordinance shall take effect immediately after its passage, approval and publication.

PASSED this 26th day of March, 1979, and signed in authentication of its passage this 26th day of March, 1979.

  
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M. J. HRDLICKA, MAYOR

ATTEST:  
  
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R. W. NOACK, CITY CLERK

APPROVED AS TO FORM:  
  
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J. GAYLORD RIACH, CITY ATTORNEY