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ORDINANCE NO. 3507

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING ECDC CHAPTER 18.45 BY THE AMENDMENT OF SECTION 18.45.030 EXEMPTIONS, 18.45.070 VIOLATIONS AND PENALTIES, BY THE ADDITION OF NEW SECTIONS 18.45.035 PROCEDURAL EXEMPTION AND 18.45.080 ADDITIONAL REMEDIES AUTHORIZED, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, the City regulates the clearing of land in order to prevent the clearing of land for the sole purpose of development prior to entering into an appropriate review procedure such as subdivision or Architectural Design Board review; and

WHEREAS, recent events within the City have indicated the need to better coordinate the provisions of Chapter 18.45 with the provisions of Chapter 20.10 related to architectural design review; and

WHEREAS, the City Council finds that the fines imposed pursuant to this chapter need to more properly reflect the damage which can be done to the City's aesthetic and physical environment by unregulated clearing, particularly when said clearing takes place within areas of the City which are particularly susceptible to environmental damage such as critical areas, critical area buffers, earth subsidence and landslide hazard areas, or areas which have been or are intended to be dedicated to public use, such as native growth protection easements; NOW, THEREFORE,

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

Section 1. The Edmonds Community Development Code Section 18.45.030

Exemptions is hereby amended to read as follows:

18.45.030 Exemptions.

The following shall be exempt from the provisions of this chapter.

A. Clearing on a developed single-family lot or clearing on a partially developed single-family lot, which is capable of being divided into one additional lot, except for:

1. That portion of the lot that is located in a designated environmentally sensitive area,
2. That portion of the lot that is located within 25 feet of any stream or wetland,
3. That portion of the lot that has slopes exceeding 25 percent;

B. Undeveloped lots which are not capable of being further subdivided, except for:

1. That portion of the lot that is located in a designated environmentally sensitive area,
2. That portion of the lot that is located within 25 feet of any stream or wetland,
3. That portion of the lot that has slopes exceeding 25 percent;

C. Routine landscape maintenance and gardening;

D. Removal of trees and/or ground cover by the public works department, parks department, fire department and/or public or private utility in situations involving danger to life or property, substantial fire hazards, or interruption of services provided by a utility;

E. Installation and maintenance of public utilities, after approval of the route by the planning division manager or his or her designee, except in parks or environmentally sensitive areas;

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

Section 2. The Edmonds Community Development Code, Chapter 18.45. Land

Clearing is hereby by the addition of a new section 18.45.035 Procedural Exemption to read as follows:

18.45.035 Procedural exemption.

Projects requiring the approval of the Edmonds Architectural Design Board (“ADB”) under the provisions of Chapter 20.10 ECDC shall be exempt from the application and procedural requirements of this chapter, provided, however, that:

A. Clearing on such projects shall take place only after ADB approval and shall be in accordance with such approval. Violations shall be subject to the remedies prescribed by this Chapter. See ECDC 18.45.070.

B. ADB review of clearing proposals shall be consistent with and apply to the standards established by this chapter.

Section 3. ECDC 18.45.070 Violations and penalties is hereby amended to read

as follows:

18.45.070 Violations and penalties.

A. A violation of any of the provisions of this chapter shall constitute a misdemeanor. It shall be a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed.

B. Any person found violating the provisions of this chapter may be fined by the planning division manager in an amount not to exceed \$1,000 per day and/or \$500 per tree. Any fine imposed by the planning division manager is appealable to the hearing examiner. This civil fine shall be in addition to any criminal, civil, or injunctive remedy available to the City.

C. The fines established in paragraph C above shall be tripled to \$3,000 per day and/or \$1,500 per tree for clearing which occurs within any critical area or critical area buffer, in any earth subsidence or landslide hazard area, in any native growth protection easement or in any area which is designated for transfer or dedication to public use upon final approval of a subdivision, planned residential development or other development permit.

Section 4. ECDC Chapter 18.45 Land clearing is hereby amended by the addition of a new section 18.45.080 Additional remedies authorized.

18.45.080 Additional remedies authorized.

Violation of ECDC 18.45.035(A) or of any condition of ADB approval regarding tree clearing, the protection of native growth or landscaping installation and maintenance shall, in addition to another remedy imposed by this code, be a violation of the provisions of Chapter 18.45 ECDC and subject to the bonding, violation and penalty and public and private redress provisions of ECDC 18.45.065 et seq.

Section 5. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:

MAYOR GARY HAAKENSEN

ATTEST/AUTHENTICATED:

CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY

W. SCOTT SNYDER

FILED WITH THE CITY CLERK: 07/02/2004
PASSED BY THE CITY COUNCIL: 07/06/2004
PUBLISHED: 07/11/2004
EFFECTIVE DATE: 07/16/2004
ORDINANCE NO. 3507

SUMMARY OF ORDINANCE NO. 3507

of the City of Edmonds, Washington

On the 6th day of July, 2004, the City Council of the City of Edmonds passed Ordinance No. 3507. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING ECDC CHAPTER 18.45 BY THE AMENDMENT OF SECTION 18.45.030 EXEMPTIONS, 18.45.070 VIOLATIONS AND PENALTIES, BY THE ADDITION OF NEW SECTIONS 18.45.035 PROCEDURAL EXEMPTION AND 18.45.080 ADDITIONAL REMEDIES AUTHORIZED, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of this Ordinance will be mailed upon request.

DATED this 7th day of July, 2004.

CITY CLERK, SANDRA S. CHASE