

**PLANNING COMMISSION
MEETING**

**December 4, 2019
6:30 p.m.**

AGENDA



"Where Dreams Can Soar"

The City of Bonney Lake's Mission is to protect the community's livable identity and scenic beauty through responsible growth planning and by providing accountable, accessible and efficient local government services.

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Location: Justice & Municipal Center, 9002 Main Street East, Bonney Lake.

Planning Commission Members:

Grant Sulham – Chair
Craig Sarver – Vice Chair
David Baus
Brad Doll
Dennis Poulsen
Debbie Strous-Boyd
Bill Fredric

City Staff:

Debbie McDonald, Planning Commission Clerk
Jason Sullivan, Planning and Building Supervisor

- I. Call to Order**
- II. Roll Call & Next Meeting Poll (January 15, 2020)**
- P.3 III. Approval of Minutes**
- IV. Public Comments and Concerns**
- V. Public Hearing**
- P.5 A. Ordinance D19-07 – Urban Forestry Code**
- VI. Old / Continuing Business**
- VII. New Business**
- VIII. For the Good of the Order**
 - A. Correspondence
 - B. Staff Comments
 - C. Commissioner Comments
- IX. Adjournment**

Next Scheduled Meeting: January 15, 2020

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PLANNING
COMMISSION MEETING

November 20, 2019
6:00 p.m.

DRAFTED MINUTES



"Where Dreams Can Soar"

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Location: Justice & Municipal Center, 9002 Main Street East, Bonney Lake.

- I. Call to Order:** The meeting was called to order at 6:30 P.M.
- II. Roll Call:** Planning Commissioners in attendance were Chair Grant Sulham, Vice-Chair Craig Sarver, Commissioner Bill Fredric, Commissioner Brad Doll, Commissioner Strous-Boyd and Commissioner Dennis Poulsen (left at 7:05)
- III. Absent:** Commissioner Baus

Staff members in attendance were Planning and Building Supervisor Jason Sullivan, and Planning Commission Clerk Debbie McDonald

Motion was made by Vice-Chair Sarver and seconded by Commissioner Frederic to excuse Commissioner Baus from tonight's meeting.

Motion Approved 6-0

- IV. Approval of Minutes:**

Motion was made by Commissioner Frederic and seconded by Commissioner Doll to approve the minutes from the November 6, 2019.

Motion Approved 6-0

- V. Public Comment and Concerns:** NONE
- VI. Public Hearings:** NONE

Ordinance D19-06 Landscaping Code Update

Chair Sulham opened the public hearing at 6:36.

Motion was made by Vice-Commissioner Sarver and seconded by Commissioner Poulsen to continue the public hearing to January 15, 2020.

Motion Approved 6-0

- VII. Old/Continuing Business:**

Ordinance D19-07 - Urban Forestry and Clearing Codes Update

Planning and Building Supervisor Sullivan discussed the changes that were made since the last meeting. Did add definitions for a significant tree, non-significant tree and an exceptional tree. The working was also changed that if you have a tree that is of high or severe risk is considered a hazard tree. A hazard tree can only be cut down if there is no

other mitigation to reduce the risk level of the tree. Trying to make cutting down the tree the last resort.

Commissioners asked questions, made comments and had corrections.

Planning and Building Supervisor Sullivan explained the in lieu of option for tree replacement and the different ways trees can be replaced. He will be reorganizing the language in the ordinance when it comes back for the public hearing so it flows better and will be easier to understand.

VIII. New Business: NONE

IX. For the Good of the Order:

A. Correspondence: NONE

B. Staff Comments:

Planning and Building Supervisor Sullivan stated our last meeting of the year will be on December 4, and holding the joint-meeting with City Council in February 2020. Had to prioritize items for the Commission Work Plan, will have to defer annexation and cultural heritage to 2021.

C. Commissioner Comments: NONE


X. Adjournment:

Motion was made to adjourn the meeting by Commissioner Doll and seconded by Commissioner Frederic.

Motion Approved 5-0

Meeting adjourned at 7:13

Debbie McDonald Planning Commission Clerk

PROJECT NAME Urban Forestry Code	FILE NUMBER N/A	HEARING/MEETING DATE December 4, 2019
STAFF CONTACT Jason Sullivan	PROPERTY OWNER N/A – Citywide Amendment	APPLICANT N/A
ADDRESS N/A – Citywide Amendment	TAX PARCEL(S) N/A – Citywide Amendment	
ZONING DESIGNATION N/A – Citywide Amendment	LAND USE DESIGNATION N/A – Citywide Amendment	SUBAREA N/A – Citywide Amendment
BRIEF SUMMARY OF REQUEST Ordinance D19-07 will amend the City’s Clearing Code by adopting a new Urban Forestry Code that will combine the City’s current tree regulations within the existing Clearing Code and the regulations in Chapter 12.24 BLMC (Tree Department) in order to streamline the City regulations related to trees, improve readability and clarity, align with current best management practices, preserve the City’s tree canopy, and increase flexibility for development. The ordinance will also establish a separate Clearing Code to address vegetation removal other than trees.		<i>INSERT VICINITY MAP</i> N/A – Citywide Amendment
COMPREHENSIVE PLAN CONSISTENCY The proposed amendments further implements the City’s comprehensive plan, <i>Bonney Lake 2035</i>. The City’s comprehensive plan included numerous policies related to maintaining and increasing the City’s urban forest.		
DEVELOPMENT CODE CONSISTENCY The proposed amendments is consistent with the City’s comprehensive plan, <i>Bonney Lake 2035</i>, and the state building building code; therefore, the amendmetns meet the criterion estblished in BLMC 14.140.090.B.		
RECOMMENDED ACTION Recommend that the City Council approve Ordinance D19-07 amending the City clearing and tree regulations.		
ALTERNATIVE ACTIONS <ol style="list-style-type: none"> 1. Recommend the City Council approve Ordiance 19-07 which additional modifications. 2. Recommend that the City Council not approve Ordinance 3. Continue the Public Hearing to another date. 		
PLANNING AND BUILDING SUPERVISOR APPROVAL <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;">  Jason Sullivan </div> <div style="text-align: right;"> November 21, 2019 Date </div> </div>		
ATTACHMENTS		
<ol style="list-style-type: none"> 1. Ordiance D19-07 2. Planning Commission Recommendation Memo 		

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I. BACKGROUND

A. Site Characteristics

This is not a site specific proposal and would apply to all properties within the City.

B. Surrounding Properties

The proposed amendments to the City's regulations related to trees and clearing apply Citywide and is not a site specific proposal. Therefore, there are no surrounding properties.

C. State Environmental Policy Act (SEPA)

The Public Services Director acting as the SEPA Responsible Official determined that this proposal will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). Following a review of the environmental checklist and the materials submitted with the application, the City has issued a determination of non-significance under WAC 197-11-340 for this project.

D. Shoreline Code

The proposed amendments would apply with the Shoreline Areas; however, the amendments would not supersede the requirements of BLMC 16.56.060, which establishes additional tree replacement requirements for properties within the shoreline jurisdiction.

E. Critical Areas Code

The proposed amendments would not apply within undevelopable critical areas and class two landslide hazard areas. Removal of trees and the clearing of vegetation within the areas will be regulated under City's critical areas code.

F. Processing Background

City staff discussed the draft regulations with Planning Commission on November 6, 2019 and November 20, 2019 in advance of the required public hearing scheduled for December 4, 2019.

G. Public Outreach

The City will held an open public meeting to discuss the proposed landscaping regulations at the November 6, 2019 and November 20, 2019 Planning Commission meeting. On November 1, 2019 the City issued the required public hearing notice which included a fifteen (15) day comment period. The City submitted the required notice of intent to adopt the proposed amendments to the Department of Commerce and requested expedited review on October 1, 2019.

II. PROJECT SUMMARY

Ordinance D19-07 will amend the City's Clearing Code by adopting a new Urban Forestry Code that will combine the City's current tree regulations within the existing Clearing Code and the regulations in Chapter 12.24 BLMC (Tree Department) in order to streamline the City regulations related to trees, improve readability and clarity, align with current best management practices, preserve the City's tree canopy, and increase flexibility for development. The ordinance will also establish a separate Clearing Code to address vegetation removal other than trees.

III. ANALYSIS

A. Development Regulations Amendment (BLMC 14.140.090.B)

The approval criterion for amendments to a development regulation is consistency with the comprehensive plan and the laws of the State of Washington.

1. Comprehensive Plan (Bonney Lake 2035)

These proposed amendments implement the following policies of *Bonney Lake 2035*:

- **Policy CD-4.1:** *Planning and land use decisions should recognize residential neighborhoods as the basic “building blocks” of the community, ensure compatibility with existing detached homes, protect neighborhoods from incompatible uses, and maintain a range of residential zones corresponding to the prevailing neighborhood densities.*
- **Policy CD-4.3:** *Provide healthy and safe neighborhoods free of nuisances, environmental hazards, and visual blight (e.g. excessive noise, poor air quality, light pollution, illegal dumping, illegal signage, graffiti, littering, etc.) that disrupt and impact Bonney Lake residents' quality of life.*
- **Policy CD-4.4:** *Conserve and protect the unique ecological characteristics of the City and utilize urban forestry to integrate open space, parks, green belts, street trees, landscaping, and natural features into future development in order to maintain Bonney Lake's livability, improve access to nature, and to address climate change by utilizing trees to sequester carbon from the atmosphere.*
- **Policy CD-5.8:** *Prevent the encroachment or conversion of common open space areas within planned developments or other residential projects. Shared open space areas in residential subdivisions shall be permanently restricted to open space uses through deed restrictions or other appropriate means.*
- **Policy CD-7.4:** *Encourage developers to retain mature trees to the extent possible, particularly in residential areas.*

- **Policy CD-7.6:** *On the south side of SR-410 near the western city limits, tree cutting shall not extend so far from SR-410 as to remove the solid backdrop of mature trees as viewed horizontally from SR-410.*
- **Policy CD-11.1:** *Balance the responsibility to protect the community from the impacts associated with new residential and commercial development with the responsibility to protect property rights.*
- **Policy ES-1.6:** *Maintain existing vegetation to the greatest extent possible in order to prevent erosion. In cases where development necessitates removal of vegetation, a reasonable amount of landscaping should be required to replace trees, shrubs, and ground cover removed during construction.*
- **Policy ES-7.1:** *Protect and conserve open space and transition buffers between urban and rural areas.*
- **Policy ES-7.3:** *Practice land cover management, which includes forest and topsoil preservation, native growth protection easements, dense vegetative zones, and preservation of the tree canopy.*
- **Policy ES-7.4:** *Protect significant trees, promote tree replanting, and encourage the use of native plants.*
- **Policy ES-7.6:** *Promote the preservation of native vegetation and mature trees, revegetation, and appropriate landscaping to improve air and water quality and fish and wildlife habitat.*
- **Policy ES-7.7:** *Encourage preservation of the urban forest and promote the use of native plants in residential and commercial landscapes.*
- **Policy ES-9.5:** *Encourage energy efficiency in site design, building orientation, landscaping, and utilities/infrastructure for all development and redevelopment projects.*
- **Policy CM-4.4:** *Minimize road hazards associated with overgrown vegetation, structures blocking sight lines, and other visual obstructions. New development should be reviewed to ensure that ingress and egress locations, driveways, crosswalks, and other circulation features, are sited to minimize accident hazards.*

2. State Law

The City's authority to adopt regulations related to tree removal and clearing of vegetation is provided for in RCW 35A.63.100, which provides that the legislative body may adopt regulations that it deems necessary to effectuate the goals and objectives of the comprehensive plan. As discussed above, the proposed regulation are required to implement the City's comprehensive plan.

The removal of trees within the City may be subject to a Class IV-G Forest Practices Permit issued by the Department of Natural Resources (DNR). This permit type is for forest practice activities that are being conducted as part of a conversion from forestry to non-forestry use. While DNR typically issues the Forest Practice Permits, the City of Bonney is one of the eleven cities that DNR authority to regulate

forest practices to the local jurisdiction. As a result the City's tree removal regulations must also be consistent with and implement replanting regulations. In most case the removal of trees on undeveloped properties is part of the conversation to a non-forestry use. However, in those limited cases were tree removal on undeveloped lots is authorized, the applicant is required to submit a forestry management plan which includes a development moratorium and replanting requirement. These provisions are provided in BLMC 16.64.060.

IV. CONCLUSION

The proposed amendments are consistent with the criteria to amend the development regulations established in BLMC 14.140.090.B.

ORDINANCE NO. D19-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, ADOPTING CHAPTERS 16.60 THROUGH 16.66 OF THE BONNEY LAKE MUNICIPAL CODE; AMENDING SECTIONS 8.20.020, 15.20.030, 16.28.030. 18.29.050 OF THE BONNEY LAKE MUNICIPAL CODE AND THE CORRESPONDING PORTIONS OF ORDINANCE NUMBERS 509, 1380, AND 1547; AND REPEALING CHAPTERS 12.24 AND 16.13 OF THE BONNEY LAKE MUNICIPAL CODE AND THE CORRESPONDING PORTIONS OF ORDINANCE NUMBERS 1124 1070, 1252, 1301, 1325, 1380, 1491, AND 1505 RELATED TO THE CITY’S URBAN FORESTRY REGULATIONS.

WHEREAS, as part of the 2019 – 2020 Planning Work Plan, the City Council directed staff to review and revise the City’s clearing and tree regulations; and

WHEREAS, the Public Services Director acting as the SEPA Responsible Official issued a Determination of Non-Significance on October 30, 2019; and

WHEREAS, the Planning Commission held a public hearing on December 4, 2019 as required by BLMC 14.10.090.C and recommended that the City Council _____ the amendments contained in this ordinance; and

WHEREAS, pursuant to RCW 36.70A.106(3)(b) the City requested review of this Ordinance from the Department of Commerce. The Department of Commerce review period concluded on _____, 2019;

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

Section 1. Findings of fact and conclusions. The findings of fact set forth in Attachment “A”, attached hereto and incorporated by this reference, are adopted in full by the City Council in support of its decision to adopt the Shoreline Master Program for the City of Bonney Lake.

Section 2. Section 8.20.020 of the Bonney Lake Municipal Code and the corresponding portions of Ordinance No. 1380 § 6, Ordinance No. 1547 § 2, and Ordinance No. 1610 § 3 are each hereby amended to read as follows:

- R. The discharge of sewage or human excrement except through approved public or private disposal systems that are constructed and maintained in accordance with applicable standards;

S. Unused or abandoned refrigerators, freezers, or other large appliances or equipment or any parts thereof; any structurally unsound or unsafe fence or edifice;

T. Grass, weeds, shrubs, trees, or vegetation growing or which have grown and died upon any property that are classified a fire hazard by East Pierce Fire and Rescue.

Section 3. Section 15.20.030(7) of the Bonney Lake Municipal Code and the corresponding portions of Ordinance No. 509 § 1.02 and Ordinance No. 881 § 1 are each hereby amended to read as follows:

7. “Clearing/clear-cutting” means the removal of timber, brush, grass, groundcover or other vegetative matter from a site, which exposes the earth’s surface of the site. Removal of trees on undeveloped lots is controlled by the urban forestry code – Title 16 Article IV BLMC Chapter 16.12 BLMC.

Section 4. Section 16.28.030.B of the Bonney Lake Municipal Code and the corresponding portions of Ordinance No. 1070 § 2 and Ordinance No. 1189 § 2 are each hereby amended to read as follows:

B. Sustainable selective-cut forest practices in which:

1. The property is being managed according to a plan, approved by the city or the Washington State Department of Natural Resources, to achieve and retain at least seventy-five percent (75%) percent tree canopy at all times, in all areas;
2. Logs are removed by methods that do not unduly damage the forest floor, such as by low-ground-pressure tracked machines; and
3. City ~~clearing~~ tree removal permits and Washington State Department of Natural Resources forest practice permits are obtained if required. See also ~~BLMC Chapter 16.6413.020 and 16.13.080~~ BLMC.

Section 5. Section 18.29.050.B of the Bonney Lake Municipal Code and the corresponding portions of Ordinance No. 748 § 1, Ordinance No. 851 § 36, Ordinance No. 1099 § 27, and Ordinance No. 1230 §§ 2, 18 are each hereby amended to read as follows:

B. There shall be no minimum side or rear setback requirements except as entailed by the landscape buffer requirements of Chapter ~~16.4214~~ BLMC or building code requirements.

Comment [JS1]: While this language is shown as new text, this regulation is currently provided in BLMC 12.24.110 and was moved to this section as part of the work to move all urban forestry requirements into one chapter. The goal is to have all of the public nuisance listed in one section instead of separate throughout the code.

Comment [JS2]: Tree removal is addressed in Urban Forestry Code; therefore, the definition needed to be amended to include the correct reference.

Comment [JS3]: Landscaping is addressed in Chapter 16.14 BLMC; therefore, the section needed to be amended to include the correct reference.

Section 6. Chapter 16.60 is hereby added to Title 16 of the Bonney Lake Municipal Code and shall be entitled “Urban Forestry Code Administration” to read as follows

16.60.010 Title

Chapter 16.62 BLMC through Chapter 16.64 BLMC shall be known as the “Urban Forestry Code.”

16.60.020 Purpose

The purpose of this urban forestry code is to:

- A. Increase the community benefits that result from proximity to nature, including improved quality-of-life, social equity, and health outcomes;
- B. Contribute to the overall health of regional and local watersheds by reducing impervious surfaces, encouraging efficient water use and conservation, and encouraging the retention and use of existing healthy and native vegetation;
- C. Encourage a safe and connected pedestrian-oriented street environment;
- D. Incorporate green space, urban tree canopy, and landscaping intended to mitigate negative impacts attributed to development and urbanization, including heat island reduction, sequestration of atmospheric carbon, and noise;
- E. Integrate natural features and systems into the built environment, such as by using diverse native plantings in streetscapes and promoting urban wildlife habitat;
- F. Implement the goals and policies of the City’s comprehensive plan;
- G. Achieve no net loss of tree canopy area, while maximizing the potential for increasing tree canopy area through encouraging building and site design to minimize tree removal;
- H. Establish standards and procedures that will result in the retention and planting of urban trees within Bonney Lake;
- I. Allow for reasonable enjoyment and use of private property by the property owner; and
- J. Ensure that tree preservation does not negatively impact the delivery of reliable utility service.

16.60.030 Definitions.

- A. Definitions for the following terms are adopted by reference from BLMC 16.20.030 as presently constituted or as may be subsequently amended:
 - 1. Critical area;
 - 2. Critical areas code; and
 - 3. Land disturbing activity.
- B. Definitions for the following terms are adopted by reference from BLMC 16.10.030 as presently constituted or as may be subsequently amended:
 - 1. Divisions of Land
 - 2. Lot
- C. Definitions for the following terms are adopted by reference from Chapter 18.04 BLMC as presently constituted or as may be subsequently amended:
 - 1. Clear view triangle;
 - 2. Setback;
 - 3. Setback, front;
 - 4. Setback, rear;
 - 5. Setback, side; and
- C. For the purposes of the urban forestry code the following terms shall have the meaning as provided below:
 - 1. “Arborist” means a professional with academic and field expertise in urban forestry. This may include arborists certified by the International Society of Arboriculture or members of the Society of American Foresters, American Society of Consulting Foresters or American Society of Consulting Arborists.
 - 2. “Caliper” means trunk diameter measured six inches above the root ball.
 - 3. “Critical Root Zone (CRZ)” means either the drip line or an area extending one (1) foot beyond the trunk for each inch of d.b.h., whichever is greater.

4. "Clearing" means the destruction or removal of vegetation from a site by physical, mechanical, chemical or other means.
5. "Development" means the construction of detached house or accessory dwelling unit; project which requires design review or site plan approval; or divisions of land.
6. "Grading" means any excavation, filling or combination thereof.
7. "Ground cover" means low growing, spreading plants whose primary function is covering the soil. Ground covers may include herbaceous or woody plants and ornamental grasses.
8. "Diameter Breast Height (d.b.h.)" means trunk diameter measured fifty-four (54) inches above the ground adjacent to the tree.
9. "Drip line" means the circle that can be drawn on the ground below a tree, directly under its outermost branch tips.
10. "Exceptional Tree" means a tree greater than thirty (30) inches d.b.h., excluding cottonwood trees (*Populus trichocarpa*) and red alder (*Alnus rubra*).
11. "Heritage Tree" means any tree designated by the city council under Chapter 16.66 BLMC.
12. "Landscaping" means trees, shrubs, and groundcover installed or retained to satisfy the requirements of Chapter 16.14 BLMC.
13. "Non-significant tree" means a tree not classified as an exceptional or significant tree.
14. "Open Space Tract" means a lot that has been preserved as open space and/or park tract as part of a division of land and does not contain any undevelopable critical areas.
15. "Removal" means causing a tree to die by cutting down, digging up, topping, girdling, excessive pruning, root destruction, denial of water, poisoning, or other means.
16. "Shoreline code" means Division II of Title 16 entitled shoreline code, consisting of Chapters 16.34 through 16.58 BLMC.
17. "Shrub" means a plant listed as a shrub in the American Standard for Nursery Stock, Sunset Western Garden Book, or similar authority.

18. “Significant Tree” means a tree at least six (6) inches or greater at d.b.h., excluding cottonwood trees (*Populus trichocarpa*) and red alder (*Alnus rubra*).
19. “Street tree” means a tree located within the right-of-way of a public or private street.
21. “Tree” means a large, woody plant having one (1) or several self-supporting stems or trunks and numerous branches and a potential minimum height of twenty (15) feet.
22. “Tree grove” means a group of eight (8) or more trees regardless of d.b.h that form a continuous canopy.
23. Vegetation “means” living plant material including shrubs, groundcover, and non-significant trees, but excluding significant and exceptional trees.
24. “Working day” means all calendar days except for Saturdays, Sundays, holidays established by BLMC 2.32.010(A) through (C), and the days between December 25th and January 1st.

16.60.040 Relationship to other environmental regulations.

- A. The regulations contained in the Shoreline Code shall apply as an overlay and in addition to zoning, land use regulations, development regulations, and other regulations established by the City.
- B. Nothing in the urban forestry code shall infringe, or in any way alter the provisions of the shoreline code and or the critical areas code as set forth now or amended.
- C. If and where any conflicts may exist between the provision of this code, shoreline code and/or the critical areas code, the regulations that provide greater protection of the ecological function and habitat shall prevail.
- D. Vegetation removal within undevelopable critical areas shall also be governed and reviewed under the critical areas code.

16.60.050 Application Requirements

- A. The director shall prepare a submittal checklist providing a list of the materials that shall be considered the minimum necessary to constitute a complete application for each of the required permits identified in the urban forestry code.

B. Tree preservation plans shall be prepared by a professional landscape architect licensed in Washington State, an ISA Certified Arborist, or an ASCA Registered Consulting Arborist.

C. Landscaping plans shall be prepared and sealed by a professional landscape architect licensed in Washington State

Comment [JS4]: This provision is currently codified in BLMC 16.14.040.B.

16.60.060 Timing of Permits

A. On undeveloped sites where development is proposed or anticipated, permits authorized under this code shall not be issued until the corresponding land use, grading, or building permit is approved or until that stage in the permitting process when all major site planning issues have been decided and the proponent is committed to prompt building construction.

Comment [JS5]: This provision is currently codified in BLMC 16.13.110.

B. On developed sites, public or private parks, or open space tracts a permit shall be issued after a determination that the application is consistent with the corresponding approval criterion for that permit type.

C. Cutting of trees located within Class 1 and Class 2 Landslide Hazard areas, if allowed under the Critical Areas Code, shall not occur between October 1 and April 1 unless:

1. A geotechnical engineer determines that the landslide hazard area will not be adversely impacted by the proposed clearing and authorizes the clearing between October 1 and April 1; and
2. The clearing is required due to an emergency situation involving immediate danger to life or property or the applicant demonstrates compelling justification based on a geotechnical evaluation of the site that the clearing can occur between October 1 and April 1.

16.60.070 Permit Expiration

In addition to the expiration provisions of BLMC 14.10.100, permits authorized under this code shall expire with the expiration or revocation of their corresponding land use, grading, or building permit.

Comment [JS6]: This provision is currently codified in BLMC 16.13.110.B.

16.60.080 Maintenance.

A. Whenever landscaping and/or tree retention was required as a condition of development approval under the provisions of the urban forestry code, the property owner must continue to maintain shrubs, trees, and other plants in the landscaping

and/or tree retention areas in a healthy growing condition and replacing dead or dying trees, shrubs, and other plants;

Comment [JS7]: This provision is currently codified in BLMC 16.14.180.A.

- B. Trees, plants, shrubs or vegetation, trees may extend over the sidewalk when kept trimmed to a height of nine and half (9.5) feet above sidewalks and fourteen (14) feet above a roadway;

Comment [JS8]: This regulation is currently provided in BLMC 12.24.090.

- C. Failure to maintain landscaping and tree retention areas according to this section shall violation subject to the enforcement procedures of Chapter 14.130 BLMC in addition to any replanting requirements required under the urban forestry code.

Comment [JS9]: This provision is currently codified in BLMC 16.12.070. The language has been modified, but the substantive requirement is the same.

16.60.090 Liability of the city.

Nothing in the urban forestry code shall impose any liability upon the city or relieve any owner or occupant of private property from the responsibility to keep the trees upon said property safe and healthy.

Comment [JS10]: This is currently codified in BLMC 16.12.060

Section 7. Chapter 16.62 is added to Title 16 of the Bonney Lake Municipal Code and shall be entitled “Clearing” to read as follows

16.62.010 Permit Required.

A clearing permit is required for the clearing of more than four-tenths of an acre of land, whatever the groundcover. A separate clearing permit is not required if a tree removal permit is also required.

Comment [JS11]: This is an existing requirement that is codified in the current version of BLMC 16.13.020.A. The requirement has been moved to the new chapter addressing just clearing.

16.62.020 Decision criteria

Approval of a clearing permit will be based on compliance with the applicable standards of the Shoreline Code – Title 16 Division III, and Chapters 15.13 BLMC – Stormwater Management, 16.13 – Urban Forestry, and 16.14 – Landscaping.

16.62.030 Performance bond.

The City may require posting of a performance bond to ensure compliance with permit conditions.

Section 8. Trees. Chapter 16.64 is added to Title 16 of the Bonney Lake Municipal Code and shall be entitled “Trees” to read as follows

16.64.010 Tree Board.

The Bonney Lake park board is hereby designated as an advisory community tree board to advise the city on the community forestry plan, heritage trees, and related tree issues.

Comment [JS12]: Currently provided in BLMC 12.24.030

16.64.020 Tree canopy preservation

- A. Unless exempted in BLMC 16.64.040 or 16.64.050, a tree removal permit is required for the removal, cutting, or pruning of trees within the City of Bonney Lake.
- B. Trees planted within any public parking strip or street right-of-way shall comply with the city of Bonney Lake Street Tree Master Plan

16.64.030 Prohibited activities

The following activities are prohibited:

- A. Destroying, injuring, or defacing a significant or exceptional tree including but not limited to the following:
 - 1. Pouring any toxic material on any tree or on the ground near any tree;
 - 2. Attaching any sign, poster, notice or other object on any tree, or fastening any guy wire, cable, rope, nails, screws or other device to any tree except to support young or broken trees; and except that the city may tie temporary signs or banners associated with street improvement, parades, seasonal lighting, or other city activities;
 - 3. Causing or encouraging any fire or burning near or around the base of the tree; and/or
 - 4. Harming the tree by cutting the bark or branches with a knife, hatchet, saw, or similar object.
- B. Topping any tree or pruning a tree in a manner that creates an unbalanced canopy.
- C. Planting trees or shrubs in or abutting any public parking strip, street right-of-way, or any other public place in the city, including sidewalks, without permission of the tree department.
- E. Planting anywhere on city property or rights-of-way any willow, cottonwood, poplar, and any other trees the roots of which are likely to obstruct or injure sanitary sewers or other underground utilities, except as approved by the tree department in accordance with a city approved plan or project.

16.64.040 Exemptions.

The following activities are exempt from the requirement to obtain a tree removal permit and do not require a written approval before work is commenced:

- A. Removal of any non-significant tree outside of a landscaping area, regulated undevelopable critical area, and/or within the jurisdiction of the Shoreline Code.
- B. Removal of trees in utility public rights-of-way and public easements upon approval of a right-of-way permit;
- C. Removal of trees located within clear view triangles
- D. Removal of trees grown for sale at commercial nurseries or tree farms; and
- E. Minor pruning or thinning of trees outside of a regulated undevelopable critical area; provided that such activity is consistent with the following requirements:
 - 1. The selective removal of branches in the inner crown of the tree, provided no more than twenty-five percent (25%) of a tree's leaf-bearing crown is removed. An even distribution of interior small branches and foliage on remaining limbs shall be maintained to avoid over-thinning.
 - 2. Work involving the removal of more than twenty-five percent (25%) of a tree's crown mass shall demonstrate that the removal is necessary for the clearance of electrical distribution and service lines only;
 - 3. The removal of the lower branches of a tree; provided, that the height of the pruned portion shall not exceed one-third of the total tree height and that removal of branches from the lower portion shall not exceed twenty-five percent (25%) of the tree's leaf-bearing crown; and
 - 5. Mature and old-growth trees are more susceptible to permanent damage or death from pruning. Pruning of mature trees should only be done as a corrective or preventative measure, such as the removal of decayed, rubbing, or crowded branches.

16.64.050 Hazard Trees.

The removal of hazard, dying, or dead exceptional or significant tree(s) shall comply with the following:

- A. Prior to commencing with the removal the owner shall obtain a written authorization from the City
- B. The property owner shall provide the city with a report, prepared by a Tree Risk Assessment Qualified (TRAQ) ISA Certified Arborist, documenting that the tree has

- a high or extreme risk and no other mitigation measures will reduce the risk below high.
- C. The assessment shall be consistent with the most-recent addition of the *ISA Tree Risk Assessment Manual* and *American National Standards Institute (ANSI) A300 (Part 9) – 2017 Tree Risk Assessment a. Tree Failure*.
 - D. Failure to do so shall constitute prima facie evidence of a violation of this title and a need to replace the removed trees in accordance with BLMC 16.64.080.
 - E. In cases where an exceptional or significant tree(s) was damaged by a natural disaster or other acts of nature, the provisions of this section may be waived to the extent necessary to alleviate immediate hazards.

16.64.060 Tree Removal Permit

- A. A tree removal permit shall be displayed conspicuously on the site.
- B. Best management practices shall be employed to prevent erosion. Clearing shall be conducted so as to expose the least amount of soil to erosion for the shortest time. Temporary mulch cover and similar measures may be required.
- C. When no new development is proposed or anticipated on a developed sites, public and private parks, and/or designated open space tract, tree removal that is not exempt under BLMC 16.64.040 or 16.64.050 shall require the approval of a minor tree removal permit consistent with the following:
 - 1. Tree removal shall comply with the tree replacement requirements of BLMC 16.64.080.
 - 2. Removal of exceptional trees shall comply with the requirements of BLMC 16.64.070.D.
 - 3. Trees to be removed shall be completed in a manner as to protect retained trees.
 - 4. Trees to be retained shall comply with the requirements of 16.64.070.F.
 - 5. Removal of trees within jurisdiction of the shoreline code shall comply with the requirements of the shoreline code.
 - 6. Removal of trees within undevelopable critical areas shall comply with the requirements of the critical areas code.

- D. Tree removal on sites where new development is proposed or anticipated shall require the approval of a tree removal permits consistent with the following:
1. Site grading, improvements, and utility construction shall be designed and located to retain trees during and following construction.
 2. The proposal shall comply with the tree retention requirements of BLMC 16.64.070
 3. Trees shall not be removed outside the area of land disturbance except where necessary to install site improvements.
 4. Tree removal for the purposes of site landscaping shall be limited to those trees that will pose a future hazard to existing or proposed site improvements determine consistent with the requirements of BLMC 16.64.050.
 5. Tree removal shall comply with the tree replacement requirements of BLMC 16.64.080.
 6. Removal of trees within jurisdiction of the shoreline code shall comply with the requirements of the shoreline code.
 7. Removal of trees within undevelopable critical areas shall comply with the requirements of the critical areas code.
- E. On undeveloped sites, other than parks and designated open space tracts, where no development is proposed, the tree removal permit is required and shall be consistent with the requirements of Chapter 222-34 WAC.

16.64.070 Tree Retention

Development shall be designed to minimize the removal of significant and exceptional trees and maximize on-site tree retention consistent with the following

- A. The following trees shall be prioritized for retention:
1. Exceptional trees;
 2. Trees with a diameter of more than twenty-four (24) inches;
 3. Trees that have a greater likelihood of longevity;
 4. Trees that are part of a tree grove; and

5. The city may require that trees be retained in partial fulfillment of landscaping requirements.
- B. Priority should be given to the retention of perimeter trees that are windfirm and tree groves.
 - C. Any trees retained or replaced in landscape buffers required by Chapter 16.14 BLMC shall count toward fulfillment of said buffer requirements
 - D. Retained exceptional shall be credited towards compliance with the replacement requirements as provided in BLMC 16.64.080.C and shall only be removed in the following circumstances:
 1. Retention of an exceptional tree(s) will result in an unavoidable hazardous situation consistent with the standards established in BLMC 16.70.040.C; or
 2. Retention of an exceptional tree(s) will prevent creation of a residential lot through a subdivision or short subdivision that is otherwise allowed by this title.
 - E. Tree retention areas may be required to place in a conservation tract or conservation easement, the purpose of which is to set aside and protect the area. The conservation tract or conservation easement shall be:
 1. Held by the city, the property owner, a homeowner's association, a land trust or similar conservation organization, or by each lot owner within the development in an undivided interest;
 2. Recorded on all documents of title of record for the affected parcels;
 3. Noted on the face of any plat, short plat or recorded drawing; and
 4. Delineated on the ground with permanent markers and signs in accordance with local survey standards. The outer edge of the retention area shall be signed to protect the resource. The director shall specify the design and sign message.
 - F. During construction the following measures will be taken to protect retained trees:
 1. An area corresponding to the critical root zone(s) of the protected tree(s) shall be fenced with temporary fence, which shall be inspected prior to commencing with the construction activity.
 2. Native groundcover shall be left undisturbed in areas where trees are to be retained.

3. If trenching must occur within the root zone of a protected tree, no more than twenty percent (20%) of its root system may be damaged. Affected roots shall be cleanly cut and immediately covered with moist soil to prevent decay. The City may require a retaining wall when cuts or fills would impact more than twenty percent (20%) of the root system of a protected tree. The City may require tunneling of utilities to protect roots.

G. If any tree to be retained is removed, said tree shall be replaced pursuant to BLMC 16.64.080.

H. The director may consult an arborist on tree retention.

16.64.080 Tree replacement.

A. The following replacement ratios shall apply:

Comment [JS13]: The ratios below are currently codified in BLMC 16.13.120.

Diameter of existing tree	Number of replacement trees required	
	For species small when mature such as most ornamental trees	For species large when mature such as Douglas fir, western red cedar, and big leaf maple
6 to 9 inches	1	3
10 to 14 inches	2	5
15 to 19 inches	3	7
More than 19 inches	4	9

B. The following root volume multipliers shall be used in determining compliance with BLMC 16.64.080.A:

Root volume²	Root volume multiplier for replacement trees¹	
	For species small when mature such as most ornamental trees	For species large when mature and preferably coniferous, such as Douglas fir, western red cedar, and western hemlock.
200 - 300	.5	0
300 - 500	1	.25
500 - 600	1.25	.5
600 - 800	1.5	.75
800 - 1000	N/A	1
1000 - 1200	N/A	1.5

	Root volume multiplier for replacement trees ¹	
1200 - 1500	N/A	2
Notes: <ol style="list-style-type: none"> 1. The root volume multiplier is used to determine if partial, full, or additional credit is given for a replacement tree. For example, a small ornamental replacement tree planted in 250 cubic feet of soil would count as a .5 replacement tree. Another example would be a small ornamental replacement tree planted in 625 cubic feet of soil would count toward 1.5 replacement trees. 2. Root volume is based on cubic feet of soil. A cubic foot of soil assumes a maximum planting soil depth of 30 inches. Should more than 30 inches of soil be proposed, aeration, moisture, and nutrients to full planting depth must be demonstrated. 		

C. Trees retained during development shall count toward tree replacement. Retained trees shall count toward tree replacement at the following ratio:

RETAINED TREE DBH	TREE REPLACEMENT CREDITS
8 to 12 inches	1
12 to 18 inches	1.5
18 to 24 inches	2
24 to 30 inches	3
More than 30 inches	4

D. The city may require that the applicant contract with an arborist to ensure successful tree replacement.

E. Replacement trees shall be located in the following order of preference listed from most important to least important:

1. On-site replacement adjacent to or within undevelopable critical areas if the planting will result in a net environmental benefit. Planting within an undevelopable critical area shall be reviewed and permitted under the provisions of the critical areas code.
2. On-site replacement outside of undevelopable critical areas, adjacent to other retained trees making a grove or stand of trees.
3. On-site replacement within landscaping areas.
4. On-site replacement in other areas.

- F. Replacement tree species shall be planted in locations and via methods that are conducive to their survival, and shall primarily be those species native to the Pacific Northwest. Native trees shall be replaced with trees of the same species and non-native trees shall be replaced with native species unless the director deems otherwise to result in a better urban forest.
- G. Replacement trees shall comply with the following at the time of planting:
 - 1. Coniferous trees shall be at least six feet tall.
 - 2. Deciduous trees shall be at least two inches in caliper.
- H. The applicant shall monitor all replacement trees for a period of five (5) years after planting. The applicant shall be obligated to replant any replacement tree that dies, becomes diseased, or is removed during this five-year monitoring period.
- I. Financial guarantees in the form of an assignment funds in the amount as determined in accordance with 16.64.090 shall be provided to ensure the success of replacement trees required pursuant to this chapter.

16.64.090 In-Lieu Fee

In lieu of planting the required replacement trees, the city may allow the payment of a fee-in-lieu under the following:

- A. The City determines that:
 - 1. There is insufficient area on the lot or adjacent right-of-way for proposed on-site tree replacement to meet the tree replacement requirements of this chapter; or
 - 2. Tree replacement, preservation, management provided off-site will be of greater benefit to the community; and
- B. Fees provided in lieu of on-site tree replacement shall be determined based upon:
 - 1. The expected tree replacement cost including labor, materials, and maintenance for each replacement tree; and
 - 3. The most current Council of Tree and Landscaper Appraisers Guide for Plant Appraisal.
- C. Any fee-in-lieu is optional for the applicant and requires an explicit written agreement.

Section 9. Chapter 16.66 is added to Title 16 of the Bonney Lake Municipal Code and shall be entitled “Heritage Trees” to read as follows

Comment [JS14]: This information is currently provided in BLMC 12.24.130. The regulations were moved to this section as part of the work to combined all of the urban forestry code into a separate chapter and restructured to improve readability.

16.66.010 Purpose.

The purpose of the Chapter is to establish a process to designate a tree, because of its age, size, unique type, or historical association is of special importance to the city, as a heritage tree.

16.66.020 Application.

- A. In order for a tree to be designated as a heritage tree, a person must submit a written request to the city.
- B. The request shall include:
 - 1. A signed declaration by the land owner approving of this declaration;
 - 2. A site map showing the lot, any structures on site, and the current use of the site; the species and size of tree; and
 - 3. A narrative explaining why the applicant wishes to designate that tree as a heritage tree.

16.66.030 Designation

- A. Upon receiving a complete and valid request for heritage tree status, the city shall obtain an arborist’s report evaluating the tree’s health, aerial space, open ground area for the root system, longevity of the species, and suitability for long-term retention.
- B. Staff shall present to the parks board all information, including the application, arborist’s report, and any additional information discovered by staff.
- C. The parks board shall consider the application at a public meeting and make a recommendation to the city council whether or not to adopt the tree as a heritage tree.
- D. Adoption of a tree as a heritage tree shall be accomplished by a motion or resolution of the city council based on the tree’s historical, cultural, or other value as determined by the city council.
- E. No tree standing on private property shall be designated a heritage tree without the consent of the property owner.

- F. No tree on city-owned property shall be designated a heritage tree without the consent of the mayor.
- E. Following the designated a heritage tree:
 - 1. A plaque so signifying shall be placed near the tree;
 - 2. The city shall place a notice in the land records of the Pierce County auditor for all properties upon which a heritage tree is located, stating that the heritage tree is protected by the provisions of this chapter.
- F. The restrictions placed on a heritage tree shall bind all successors, heirs and assigns. It shall be unlawful to remove, damage in any way, or defile a heritage tree, its plaque, or any protective measures for that tree.

16.66.040 Maintenance

- A. The city shall maintain all heritage trees that are located on city property or on public rights-of-way within the city.
- B. It shall be the duty of every owner of property upon which a heritage tree is standing to maintain that tree to the best of their ability.
- C. The city may give advice and assistance to property owners regarding proper maintenance of heritage trees.
- D. If a heritage tree, whether standing on public or private property, considered to be hazard shall be evaluated consistent with the standards in BLMC 16.64.040.C. With the city's approval the recommended course of action shall be carried out by the owner of the heritage tree.
- E. In cases where a heritage tree was damaged by a natural disaster or other acts of nature, the provisions of this section may be waived to the extent that the city may alleviate immediate hazards.

16.66.050 Designation

A tree that has been designated as a heritage tree can be removed from designation upon a finding by the city council that one or more conditions exist:

- A. The tree is of poor health, diseased or no longer alive;
- B. The tree no longer meets the criteria for designation as a heritage tree;

- C. The tree interferes with the needed location of proposed improvements or structures; or
- D. The tree is on private property and the property owner no longer wants the designation.

Section 10. The name of codified version of Chapter 16.12 of the Bonney Lake Municipal Code currently entitled to read “Administrative Provisions – Clearing and Landscaping” shall be amended to read “Administrative Provisions – Landscaping”

Section 10. Codification. Sections 6 - 9 of this Ordinance shall be codified as Article IV of Title 16 of the Bonney Lake Municipal Code and entitled "Urban Forestry Code"

Section 11. Repealer. The previously codified provisions of Chapter 12.24 of the Bonney Lake Municipal Code entitled “Tree Department” and the corresponding portions of Ordinance No. 1124 are each hereby repealed.

Comment [JS15]: This is the Tree Department Code. The provisions of this chapter were merged into the new Urban Forestry Code.

Section 12. Repealer. The previously codified provisions of Chapter 16.13 of the Bonney Lake Municipal Code entitled “Clearing” and the corresponding portions of Ordinance No. 1070 § 2, Ordinance No. 1252 § 1, Ordinance No. 1301 § 1 through 3, Ordinance No. 1325 § 6 through 10, Ordinance No. 1491 § 18 and 19, and Ordinance No. 1505 § 16 are each hereby repealed.

Comment [JS16]: This is the old clearing code.

Section 13. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 14. This Ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication, as required by law.

PASSED BY THE CITY COUNCIL this _____ day of _____, 2019

Neil Johnson, Jr., Mayor

AUTHENTICATED:

Harwood T. Edvalson, City Clerk

APPROVED AS TO FORM:

Kathleen Haggard, City Attorney

ATTACHMENT A

FINDINGS OF FACT AND CONCLUSIONS

Having considered in detail both the oral and documentary evidence received concerning the update to the City of Bonney Lake's clearing and tree removal regulations, the Bonney Lake City Council now makes and adopts the following Findings of Fact and Conclusions:

FINDINGS OF FACT

Public Participation

- 1) The Bonney Lake Planning Commission held two public meetings to discuss the amendments on November 6, 2019, and November 20, 2019.
- 2) The Bonney Lake Planning Commission held a public hearing December 4, 2019 and recommended that the City Council adopted the proposed amendments.
- 3) Notice of the public hearings for this matter has been conducted in accordance with City of Bonney Lake rules and regulations governing such matters for both the Planning Commission and the City Council.

Environmental Review

- 4) The amendments to the City's critical areas ordinance are considered a non-project action as defined in WAC 197-11-704(2)(b) under the State Environmental Policy Act (SEPA).
- 5) The amendments to the City's critical areas ordinance are not categorically exempted from the SEPA pursuant to WAC 197-11-800; therefore, the City was required to prepare a SEPA Checklist.
- 6) Pursuant to WAC 197-11-926, the City of Bonney Lake was designated as the lead agency for the SEPA review of the proposed amendments to the City's critical areas ordinance.
- 7) The City issued a determination of non-significance (DNS) under WAC 197-11-340 on October 30, 2019.
- 8) The comment period on the DNS was provided from November 1, 2019 to November 21, 2019.
- 9) The appeal period for the DNS concluded on December 6, 2019 and there were no appeals filed with the City.

Tree Canopy

- 10) Preserving the City's urban forest will reduce air pollution as trees clean the air by absorbing carbon dioxide, sulphur dioxide, nitrous oxides, and other pollutants and reduce ozone emissions for vehicles.¹
- 11) The proposed amendments to the currently under consideration by the City will not result in the production of noise. Preserving and planting trees has been shown to reduce noise pollution by absorbing high frequency noises, which are the most distressing to people.²
- 12) Preserving and planting trees has been shown to reduce energy consumption through reduce reliance on mechanical heating and cooling within buildings.

State Agency Review

- 13) Development regulations are defined as the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto pursuant to RCW 36.70A.030.
- 14) The sixty day notice of the City's intent to adopt the Draft Ordinance was provided to the Department of Commerce on October 1, 2019 for review and comment by the Department and other State agencies as required by RCW 36.70A.106.

Approval Criteria

- 15) The approval criterion for amendments to a development regulation is consistency with the comprehensive plan and the laws of the State of Washington pursuant to BLMC 14.140.090.B

Comprehensive Plan

- 16) Implementation Measure C-Action-2, which directs the City to complete and in-depth review of the City's critical areas regulations between now and the next required periodic review.

¹ McPherson, Gregory, James Simpson, Paula Peper, Shelley Gardner, Kelaine Vargas, Scott Maco, and Qingfu Xiao. "Coastal Plain Community Tree Guide: Benefits, Costs, and Strategic Planting". *USDA, Forest Service, Pacific Southwest Research Station*. (2006). Web. http://www.fs.fed.us/psw/programs/uesd/uep/products/2/cufr_679_gtr201_coastal_tree_guide.pdf

² McPherson, Gregory, James Simpson, Paula Peper, Qingfu Xiao, Dennis Pettinger, and Donald Hodel. *Tree Guidelines for Inland Empire Communities*. Rep. Western Center for Urban Forest Research and Education, USDA Forest Service, Pacific Southwest Research Station, 2001. Web. http://www.fs.fed.us/psw/programs/uesd/uep/products/2/cufr_52.pdf

- 17) Implementation Action ES-Action-5 directs the City to maintain an urban forestry program and maintain tree retention and replacement requirements in the City's development regulations.
- 18) The proposed amendments are also consistent with the following policies in the Community Development (CD) and Environmental Stewardship (ES) Elements:
- a. **Policy CD-4.3:** Provide healthy and safe neighborhoods free of nuisances, environmental hazards, and visual blight (e.g. excessive noise, poor air quality, light pollution, illegal dumping, illegal signage, graffiti, littering, etc.) that disrupt and impact Bonney Lake residents' quality of life.
 - b. **Policy CD-4.4:** Conserve and protect the unique ecological characteristics of the City and utilize urban forestry to integrate open space, parks, green belts, street trees, landscaping, and natural features into future development in order to maintain Bonney Lake's livability, improve access to
 - c. **Policy CD-7.4:** Encourage developers to retain mature trees to the extent possible, particularly in residential areas.
 - d. **Policy CD-7.6:** On the south side of SR-410 near the western city limits, tree cutting shall not extend so far from SR-410 as to remove the solid backdrop of mature trees as viewed horizontally from SR-410.
 - e. **Policy CD-11.1:** Balance the responsibility to protect the community from the impacts associated with new residential and commercial development with the responsibility to protect property rights.
 - f. **Policy ES-7.3:** Practice land cover management, which includes forest and topsoil preservation, native growth protection easements, dense vegetative zones, and preservation of the tree canopy.
 - g. **Policy ES-7.4:** Protect significant trees, promote tree replanting, and encourage the use of native plants.
 - h. **Policy ES-7.6:** Promote the preservation of native vegetation and mature trees, revegetation, and appropriate landscaping to improve air and water quality and fish and wildlife habitat.
 - i. **Policy ES-7.7:** Encourage preservation of the urban forest and promote the use of native plants in residential and commercial landscapes.

State Law

- 19) The City's authority to adopt regulations related to tree removal and clearing of vegetation is provided for in RCW 35A.63.100, which provides that the legislative body may adopted regulations that it deems necessary to effectuate the goals and objectives of the comprehensive plan.
- 20) The removal of trees within the City may be subject to a Class IV-G Forest Practices Permit issued by the Department of Natural Resources (DNR).
- 21) This permit type is for forest practice activities that are being conducted as part of a conversion from forestry to non-forestry use.
- 22) While DNR typically issues the Forest Practice Permits, the City of Bonney is one of the eleven cities that DNR authority to regulate forest practices to the local jurisdiction. As a result the City's tree removal regulations must also be consistent with and implement the forest practices regulations codified in Chapter 222-16 WAC.

CONCLUSIONS

- 1) The proposed amendments are required to implement the City's comprehensive plan.
- 2) The proposed amendments consistent with requirements of Chapter 222-16 WAC
- 3) The proposed amendments are consistent with the criteria to amend the development regulations established in BLMC 14.140.090.B.



Planning
Commission

Memo

Date : December 4, 2019
To : Mayor and City Council
From : Grant Sulham, Planning Commission Chair
Re : **Ordinance D19-07 – Urban Forestry Code.**

On December 4 2019, the Planning Commission conducted a Public Hearing on Ordinance D19-07, which amends the City’s clearing and tree regulations. The Planning Commission voted _____ to recommend that the City Council _____ Ordinance D19-07.

As required by BLMC 14.40.100, the Planning Commission adopts the following findings of fact in support of its recommendation:

1. On December 4, 2019, the City of Bonney Lake Planning Commission held a public hearing to consider the amendments to the City’s development regulations contained in this Ordinance, as required by BLMC 14.140.080.
2. The City complied with all applicable notice, timing and comment provisions in scheduling and carrying out the above-referenced hearing.
3. At the above-referenced hearing, the City of Bonney Lake Planning Commission determined that the amendments to the City’s development code contained in this Ordinance are consistent with other BLMC development regulations, the Comprehensive Plan, and with the laws of the State of Washington.
4. Under the State Environmental Policy Act (SEPA) the adoption of this Ordinance is a non-project action as defined by WAC 197-11-704(2)(b) and the Public Services Director acting as the SEPA Responsible Official determined that this proposal will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). Following a review of the environmental checklist, the City has issued a determination of non-significance under WAC 197-11-340 for this project.

5. Pursuant to RCW 36.70A.106(3)(b) the City provided notice to the Department of Commerce regarding the City's intent to adopted Ordinance D19-07 on October 1, 2019.