

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b>	Adoption of Ordinance No. 617, Designating a Responsible Individual for the Management of City-Owned Public Trees in the City of Shoreline and Establishing a Tree Board
<b>DEPARTMENT:</b>	City Manager's Office Parks, Recreation and Cultural Services
<b>PRESENTED BY:</b>	John Norris, CMO Management Analyst Dick Deal, Director of Parks, Recreation and Cultural Services
<b>ACTION:</b>	<input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion

**PROBLEM/ISSUE STATEMENT:**

In the City Council's 2011-2012 goal work plan, an objective of Council Goal #1 is to become a Tree City USA. In order to become a Tree City USA, an individual or entity must be codified as the legally responsible entity for the care and management of the community's public trees. As well, staff has proposed that a tree board be created to provide advice to the legally responsible entity on tree maintenance and urban forestry issues. Ordinance No. 617 fulfills these requirements.

Since Council's discussion on January 9, staff has separated the codification of planting, pruning, and removal of trees in the right-of-way to a separate ordinance (Ordinance No. 627) and within Ordinance No. 617 added a review of the effectiveness of the Tree Board structure in one year.

**RESOURCE/FINANCIAL IMPACT:**

There is no fiscal impact to adopting Ordinance No. 617, (Attachment A). However, if the Council adopts alternate Ordinance No. 617 which would implement a "stand alone" Shoreline Tree Board (Attachment B), there will be additional costs to staffing a new standing committee. This resource impact has the potential to affect other ongoing and planned Parks, Recreation and Cultural Services projects and efforts.

**RECOMMENDATION:**

Staff recommends that Council adopt Ordinance No. 617 which proposes to designate the Parks, Recreation and Cultural Services Director as the legally responsible tree manager for the City of Shoreline and proposes to have the Parks, Recreation and Cultural Services Board also serve as an advisory tree board.

Approved by:            City Manager JU    City Attorney IS

## **BACKGROUND:**

At the Council's January 9 study session, (link to January 9 staff report - <http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/Council/Staffreports/2012/Staffreport010912-9a.pdf> ), staff continued the discussion with Council regarding the Council goal of Shoreline becoming a Tree City USA. This discussion primarily focused on the Tree City USA requirement of adopting a tree management ordinance (Ordinance No. 617.). Staff continued to present the recommendation that the tree ordinance codify the legally responsible tree manager as the Director of Parks, Recreation and Cultural Services (PRCS) and the Shoreline PRCS Board serve as an advisory tree board. Although not required to become a Tree City USA, an advisory tree board would help facilitate citizen input and recommendations for the annual community forestry work plan, and could focus on the development of other urban forestry work items. At their October 27, 2011 meeting, the PRCS Board voted unanimously to support this recommendation.

Five citizens provided public comment at the study session regarding the tree ordinance and the structure of the proposed tree board. All of these citizens stated that they would like the proposed tree board to be a "stand alone" board, which would consist of Council appointed citizens. This tree board structure was provided to Council as part of their packet in an alternate Ordinance No. 617 (Attachment B of the January 9 study session staff report). As well, some of the citizens providing public comment also stated that they would like to see the role of the responsible tree manager be given to another Department Director other than the Parks Director, such as the Planning and Community Development Director. Council also received email comments from Shoreline citizens about the proposed regulations and tree board structure in the proposed ordinance.

Councilmember Winstead also asked a question of staff regarding the number of jurisdictions in Washington State that include privately owned trees in their public tree management ordinances required for Tree City USA. In forwarding this question onto the Washington State Urban and Community Forestry Program at the State Department of Natural Resources, the following response was provided:

*There are no rules or regulations requiring cities to specifically address private trees (in their public tree management ordinances.) As a matter of fact, it is rare indeed for Cities to become involved with private-property trees, as this is often viewed as a threat to private property rights and threaten the development of an even very basic Urban Community Forestry program. The most common reference to private-owned trees that we see is in reference to mitigating insect or disease infestations that pose a threat to the urban forest as a whole. There are some communities that regulate tree removals specific to multi-family or commercial property development; again, this is rare. Regarding cities that currently regulate privately-owned trees only a couple, Kirkland and Redmond, come to mind.*

**ORDINANCE AMENDMENTS:**

Upon further discussion with the Council regarding the Council goal of becoming a Tree City USA, it was suggested that Ordinance No. 617 only focus on the needs of Tree City USA and not include the clarified regulations regarding the planting, pruning or removing of right-of-way street trees. Thus, this section of Ordinance No. 617 has been removed, and will now be discussed with Council as a separate ordinance, Ordinance No. 627.

The removal of these regulations from Ordinance No. 617 does not affect the other aspects of either version of this ordinance. Specifically, the proposed new code section 12.30.030 in Section 1 of the ordinance has been removed, as has Section 2 (amendment of SMC 12.15.030.C) and Section 3 (fee schedule amendment) of the ordinance. All three of these sections are now being proposed in Ordinance No. 627.

As well, Council has suggested that staff review with Council in one year’s time the effectiveness of the Parks, Recreation and Cultural Services Board serving as the City’s Tree Board. Thus, the initial Ordinance No. 617 (Attachment A), which authorizes the Parks Board to serve as the Tree Board, has been amended to add in a section titled *Tree Board Review*. It reads: “within one year of the effective date of this ordinance, the director and Tree Board membership shall provide an update to the City Council regarding Tree Board activities, schedule, efforts, and work plan, among other topics.”

In addition, some members of the public have suggested that the Council and Tree City USA Board meet soon after its establishment to discuss and determine a work plan. This joint discussion has been tentatively scheduled for April 2, 2012.

**COUNCIL GOAL ADDRESSED:**

This staff report addresses Council Goal No. 1: Implement the adopted Community Vision by updating the Comprehensive Plan and key development regulations in partnership with residents, neighborhoods, and businesses.

**RESOURCE/FINANCIAL IMPACT:**

There is no fiscal impact to adopting Ordinance No. 617 (Attachment A). However, if the Council adopts alternate Ordinance No. 617 which would implement a “stand alone” Shoreline Tree Board (Attachment B), there will be additional costs to staffing a new standing committee. This resource impact has the potential to affect other ongoing and planned Parks, Recreation and Cultural Services projects and efforts.

**RECOMMENDATION:**

Staff recommends that Council adopt Ordinance No. 617 which proposes to designate the Parks, Recreation and Cultural Services Director as the legally responsible tree manager for the City of Shoreline and proposes to have the Parks, Recreation and Cultural Services Board also serve as an advisory tree board.

**ATTACHMENTS:**

- A: Proposed Ordinance No. 617, Tree Management Ordinance
- B: Alternate Ordinance No. 617, Public Tree Management with Shoreline Tree Board

# Attachment A

## ORDINANCE NO. 617

### **AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON DESIGNATING A RESPONSIBLE INDIVIDUAL FOR THE MANAGEMENT OF CITY-OWNED PUBLIC TREES IN THE CITY OF SHORELINE AND ESTABLISHING A TREE BOARD**

WHEREAS, the Tree City USA program is sponsored by the Arbor Day Foundation in cooperation with the United States Forest Service and the National Association of State Foresters; and

WHEREAS, benefits of joining the Tree City USA program, as outlined by the Arbor Day Foundation, include increased public awareness of social, economical and environmental benefits of urban forestry practices, educational opportunities to improve urban forestry practices, provision of a blueprint for planting and maintaining City-owned trees, and community signage that shows that the community cares about its environment and supports tree preservation and planting; and

WHEREAS, to become a Tree City USA, the City must designate an individual to oversee the planting, care, maintenance and removal of City-owned trees; and

WHEREAS, designating a Tree Board to make tree management recommendations to the City-designated individual is beneficial to Tree City USA programs.

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

**Section 1. New Chapter.** A new chapter, Chapter 12.30, *Public Tree Management*, is hereby adopted to read as follows:

#### **12.30.010 Jurisdiction and administration.**

It shall be the responsibility of the Director of the Parks, Recreation and Cultural Services Department (hereafter “director”) to manage and oversee the planting, care, maintenance and removal of all trees on all streets, rights-of-way, and City-owned public property within the City limits in accordance with the provisions of this chapter.

#### **12.30.020 Tree Board.**

The Parks, Recreation and Cultural Services Board is authorized to serve as the City’s Tree Board. The Tree Board shall be advisory to the city council. The primary responsibility of the Tree Board shall be to make policy recommendations concerning the management of trees located on City-owned public property and in City rights-of-way. The Tree Board shall be comprised of all members of the Parks, Recreation and Cultural Services Board acting in an ex officio capacity, and the roles, officers and terms of the Tree Board shall be the same as the Parks, Recreation and Cultural Services Board.

#### **12.30.030 Adoption of administrative procedures.**

The director is authorized to prepare and adopt after public notice and opportunity for public comment procedures, technical standards, and standard plans necessary to facilitate

implementation of this chapter, including a list of approved street trees in the Engineering Development Guide after notice and opportunity for public comment. The director shall make recommendations for the fee in lieu of replacement street trees for adoption in the City fee schedule in Chapter 3.01 of the municipal code.

**Section 2. Amendment.** SMC 2.55.010 is hereby amended to read as follows:

**2.55.010 Created – Purpose.**

The Shoreline parks, recreation and cultural services board is hereby created. The board is to provide additional citizen input on park maintenance and operations, design matters, programs and services in sports, leisure and cultural activities, and management of trees located in City-owned public property and in City rights-of-way.

**Section 3. Amendment.** SMC 2.55.060(B) is hereby amended to read as follows:

**2.55.060 Responsibilities.**

B. The full board may make reports and recommendations to the city council concerning parks and recreation plans and policies, maintenance, operation and design of parks, public trees and program activities in sports, leisure and cultural services. The board will make recommendations concerning the acquisition, care, maintenance, utilization and disposition of buildings, property and equipment related to parks programs.

**Section 4. Tree Board Review.** Within one year of the effective date of this ordinance, the director and Tree Board membership shall provide an update to the city council regarding Tree Board activities, schedule, efforts, and work plan, among other topics.

**Section 5. Effective Date and Publication.** A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. The ordinance shall take effect and be in full force five days after passage and publication.

**ADOPTED BY THE CITY COUNCIL ON FEBRUARY 13, 2012.**

\_\_\_\_\_  
Mayor Keith A. McGlashan

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Scott Passey  
City Clerk

\_\_\_\_\_  
Ian Sievers  
City Attorney

Publication Date:  
Effective Date:

# Attachment B

## ORDINANCE NO. 617

### AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON DESIGNATING A RESPONSIBLE INDIVIDUAL FOR THE MANAGEMENT OF CITY-OWNED PUBLIC TREES IN THE CITY OF SHORELINE AND ESTABLISHING A TREE BOARD

WHEREAS, the Tree City USA program is sponsored by the Arbor Day Foundation in cooperation with the United States Forest Service and the National Association of State Foresters; and

WHEREAS, benefits of joining the Tree City USA program, as outlined by the Arbor Day Foundation, include increased public awareness of social, economical and environmental benefits of urban forestry practices, educational opportunities to improve urban forestry practices, provision of a blueprint for planting and maintaining City-owned trees, and community signage that shows that the community cares about its environment and supports tree preservation and planting; and

WHEREAS, to become a Tree City USA, the City must designate an individual to oversee the planting, care, maintenance and removal of City-owned trees; and

WHEREAS, designating a Tree Board to make tree management recommendations to the City-designated individual is beneficial to Tree City USA programs.

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It shall be the responsibility of the Director of the Parks, Recreation and Cultural Services Department (hereafter “director”) to manage and oversee the planting, care, maintenance and removal of all trees on all streets, rights-of-way, and City-owned public property within the City limits in accordance with the provisions of this chapter.

#### **12.30.020 Tree Board.**

A. The Shoreline Tree Board is hereby created. The board shall be advisory to the city council and supported by the Parks, Recreation and Cultural Services Department, with a primary responsibility for making policy recommendations concerning the management of public trees located on City-owned public property and in City rights-of-way. The Tree Board shall be comprised of seven members who reside in or own property in the city of Shoreline and who have training or experience in environmental sciences, forestry, horticulture, arboriculture, landscaping, or urban design. Members shall serve without compensation but may be reimbursed for reasonable expenses pursuant to city policies.

B. Member appointments, removal and terms shall be the same as for members of the Parks, Recreation and Cultural Services Board.

C. The board shall elect from its members a chair, who shall preside at all meetings, and a vice-chair. The majority of the board shall constitute a quorum, and a majority vote of those present shall be necessary for any action.

D. The board shall determine a regular meeting schedule, but meetings shall be no more frequent than quarterly. All meetings shall be subject to the Open Public Meetings Act.

**12.30.030 Adoption of administrative procedures.**

The director is authorized to prepare and adopt after public notice and opportunity for public comment procedures, technical standards, and standard plans necessary to facilitate implementation of this chapter, including a list of approved street trees in the Engineering Development Guide after notice and opportunity for public comment. The director shall make recommendations for the fee in lieu of replacement street trees for adoption in the City fee schedule in Chapter 3.01 of the municipal code.

**Section 2. Effective Date and Publication.** A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. The ordinance shall take effect and be in full force five days after passage and publication.

**ADOPTED BY THE CITY COUNCIL ON FEBRUARY 13, 2012.**

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Mayor Keith A. McGlashan

**ATTEST:**

**APPROVED AS TO FORM:**

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Scott Passey  
City Clerk

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Ian Sievers  
City Attorney

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