

ORDINANCE NO. 399

CITY OF LACEY

AN ORDINANCE REGULATING THE REMOVAL OR DESTRUCTION OF TREES AND GROUND COVER AND ESTABLISHING A LAND CLEARING PERMIT PROCEDURE WITHIN THE CITY OF LACEY, AND ADDING A NEW CHAPTER TO THE LACEY MUNICIPAL CODE.

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

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY AS FOLLOWS:

Section 1. There is hereby added to the Lacey Municipal Code a new chapter, 14.32, to read as follows:

"Section 14.32.010. Short Title. This ordinance shall be known and may be cited as the "Land Clearing Code" of the City of Lacey.

Section 14.32.020. Purposes and Permit Criteria. These regulations are adopted for the following purposes and these purposes are to be used as criteria for the issuance of Land Clearing permits under Section 14.32.040 of this chapter.

A. To promote the public health, safety, and general welfare of the citizens of Lacey without preventing the reasonable development of land.

B. To preserve and enhance the City's physical and aesthetic character by preventing indiscriminate removal

or destruction of trees and ground cover.

C. To minimize surface water and ground water runoff and diversion and to prevent erosion and reduce the risk of slides.

D. To retain trees to assist in the abatement of noise and in protection from wind.

E. To acknowledge that trees and ground cover produce pure oxygen from carbon dioxide.

F. To promote building and site planning practices that are consistent with the City's natural topographical, soils and vegetational features while at the same time recognizing that certain factors such as disease, danger of falling, 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 the removal of certain trees and ground cover.

G. To insure prompt development, restoration and replanting and effective erosion control of property after land clearing.

H. To reduce siltation and water pollution from siltation in the City's streams and lakes.

I. To implement the goals and objectives of the Washington State Environmental Policy Act.

J. To implement and further the City's Comprehensive Plan.

Section 14.32.030. Definitions.

A. "City" shall mean the City of Lacey, Washington.

B. "Ground Cover" shall mean types of vegetation which are normally terrestrial and shall include trees less than four (4) inches in diameter measured at twenty-four (24) inches above the ground level.

C. "Land Clearing" shall mean the direct and indirect removal of trees and/or ground cover from any undeveloped or partially developed lot, public lands or public right-of-way.

D. "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.

Section 14.32.040. Permits. No person, corporation, or other legal entity shall engage in timber harvesting or cause land clearing in the City without having obtained a land clearing permit from the Building Official or having gone through the review process as outlined in Section 14.32.050. Provided, however, that this chapter shall not apply to those activities from which municipal regulation is excluded by RCW 76.09.240.

No permit shall be granted which is inconsistent with the purposes and permit criteria as set out in Section 14.32.020.

Section 14.32.050. Exemptions. The following shall be exempt from the provisions of this chapter:

A. Projects requiring approval of the City of Lacey Site Plan Review Committee under Chapter 14.28 of this code, Planning Commission and City Council, provided that land clearing

on such projects shall take place only after approval and shall be in accordance with such approval.

B. Removal of trees and ground cover in emergency situations involving immediate danger to life or property or substantial fire hazards.

C. Removal of obviously dead or diseased ground cover or trees.

D. Removal of less than six (6) trees in any twelve (12) consecutive months or ground cover for the purposes of general property and utility maintenance, landscaping or gardening.

E. Removal of trees and ground cover within a maximum of ten (10) feet (when required for construction) of the perimeter of the building line and any area proposed to be cleared for driveway and septic purposes, of a single-family dwelling to be constructed as indicated on the plot plan submitted to the Building Official with an application for a Building Permit.

F. Removal of obstructions required by the Vision Clearance at Intersection regulations of Chapter 12.24 of this code.

Section 14.32.060. 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 Building Official:

1. Two prints of the plot plan which shall include the following information:
 - a. Name, address, and telephone number of applicant and owner of property.
 - b. Legal description of property.
 - c. Date, north arrow, and adequate scale as determined by the Building Official, on the map or plot plan.
 - d. Topography map showing contours at not greater than ten (10) foot intervals of proposed clearing projects within areas of steep slopes, creeks and shorelines.
 - e. Location of proposed improvements, including but not limited to, structures, driveways, utilities, and storm drainage facilities.
 - f. Approximate and general location, type, size and condition of trees and ground cover and a general identification of trees and ground cover which are to be removed.
2. A proposed time schedule for land clearing, land restoration, implementation of erosion control and any excavation or construction of improvements.
3. A statement indicating the method to be followed in erosion control and restoration of land during and immediately following land clearing.
4. Proposed general landscape plan or written or graphic description of proposed action.
5. Other information as deemed appropriate to this chapter and necessary by the Site Plan Review Committee.

B. The Building Official shall refer the application to the Site Plan Review Committee who shall review the application and make a decision within five (5) working days from the date of submission of a completed application, unless an extension is authorized by the applicant. The Site Plan Review Committee shall return the application to the Building Official for issuance or denial of a permit.

C. 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 by the Building Official for one six (6) month period. Approved plans shall not be amended without authorization of the Building Official. The permit may be suspended or revoked by the Building Official because of incorrect information supplied or any violation of the provisions of this chapter.

D. No work shall commence until a permit notice has been posted on the subject site in a conspicuous location. The notice shall remain posted until the project has been completed.

Section 14.32.070. Performance Bond. The Site Plan Review Committee may require bonds in such form and amounts as may be deemed necessary to assure that the work shall be completed in accordance with the permit. Bonds, if required, shall be furnished by the property owner, or other person or agent in control of said property.

In lieu of a surety bond, the applicant may file a

cash bond or instrument of credit with the Building Official in an amount equal to that which would be required in the surety bond. The amount of such bond shall not exceed the estimated cost of the total restoration work planned.

Section 14.32.080. Appeals. Any person or persons aggrieved by any action of the Site Plan Review Committee 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 twenty (20) days of the filing of notice of appeal.

Section 14.32.090. Injunctive Enforcement. Any violation of the provisions of this chapter 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 14.32.100. Severability. If any section, paragraph, subsection, clause or phrase of this chapter is for any reason held to be unconstitutional or invalid such decision shall not affect the validity of the remaining portions of the chapter."

PASSED by the City Council of the City of Lacey this 4th day of December, 19 75.

CITY COUNCIL

By 

Mayor

Attest:

Timothy McGuire
City Clerk

Approved as to form:

[Signature]
City Attorney

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