

Councilmember Roberts asked staff to provide draft Code language that would only provide for complete exemption of all commercial zones (NB, CB, MB, TC 1,2,3, MUR-70' and MUR-45') to the provisions of SMC 20.50 Subchapter 5, Tree Conservation, Land Clearing and Site Grading Standards, when the tree removal is associated with approved site development and/or building permits for development. The approved permits for development must be related to development that meets the intent of the zoning designation. Therefore, the exemption would not apply to lots in the zones that obtain development permits to maintain or expand non-conforming uses.

If Council were to consider this approach to tree regulation we do not believe that this would need to go back to the Planning Commission or that another Public Hearing would be required, as this concept was included in the May 17, 2018, Planning Commission staff report, although the Planning Commission did not move the concept forward. With that said, dependent on the Council discussion an additional Study Session on the final proposed code amendment language may be recommended to allow for adequate public comment before final Council action is taken, if the final recommendation is significantly different than the Planning Commission recommendation.

20.50.310 Exemptions from permit.

A. **Complete Exemptions.** The following activities are exempt from the provisions of this subchapter and do not require a permit:

1. Emergency situation on private property involving danger to life or property or substantial fire hazards.

- a. **Statement of Purpose.** Retention of significant trees and vegetation is necessary in order to utilize natural systems to control surface water runoff, reduce erosion and associated water quality impacts, reduce the risk of floods and landslides, maintain fish and wildlife habitat and preserve the City's natural, wooded character. Nevertheless, when certain trees become unstable or damaged, they may constitute a hazard requiring cutting in whole or part. Therefore, it is the purpose of this section to provide a reasonable and effective mechanism to minimize the risk to human health and property while preventing needless loss of healthy, significant trees and vegetation, especially in critical areas and their buffers.

- b. For purposes of this section, "Director" means the Director of the Department and his or her designee.

- c. In addition to other exemptions of SMC [20.50.290](#) through [20.50.370](#), a request for the cutting of any tree that is an active and imminent hazard such as tree limbs or trunks that are demonstrably cracked, leaning toward overhead utility lines or structures, or are uprooted by flooding, heavy winds or storm events. After the tree removal, the City will need photographic proof or other documentation and the appropriate application approval, if any. The City retains the right to dispute the emergency and require that the party obtain a clearing permit and/or require that replacement trees be replanted as mitigation.
2. Removal of trees and/or ground cover by the City and/or utility provider in situations involving immediate danger to life or property, substantial fire hazards, or interruption of services provided by a utility. The City retains the right to dispute the emergency and require that the party obtain a clearing permit and/or require that replacement trees be replanted as mitigation.
3. Installation and regular maintenance of public utilities, under direction of the Director, except substation construction and installation or construction of utilities in parks or environmentally critical areas.
4. Cemetery graves involving less than 50 cubic yards of excavation, and related fill per each cemetery plot.
- ~~5. Removal of trees from property zoned NB, CB, MB and TC-1, 2 and 3, unless within a critical area or critical area buffer.~~
6. Removal of trees from property zoned NB, CB, MB, TC-1,2 and 3, MUR-70' or MUR-45' when associated with an approved site development or building permit, unless within a critical area or critical area buffer. This exemption does not apply to lots maintaining or expanding non-conforming uses.
- ~~7.6.~~ Removal and restoration of vegetation within critical areas or their buffers consistent with the provisions of SMC [20.80.030](#)(E) or removal of trees consistent with SMC [20.80.030](#)(G) unless a permit is specifically noted under SMC [20.80.030](#)(E).