

ORDINANCE NO. 18-014

AN ORDINANCE amending certain provisions of the Camas Municipal Code, repealing Chapter 18.31, and adding a new Chapter 3.54, relating to the Camas Urban Tree Program.

The Council of the City of Camas do ordain as follows:

Section I

A new Chapter 3.54 of the Camas Municipal Code, entitled City Tree Fund is hereby adopted as follows:

3.54.010 City Tree Fund

A. There is created a city tree fund into which all penalties and revenues received for tree protection under Chapters 12.04 Sidewalk and Street Tree Maintenance; 16.51 General Provisions for Critical Areas; and Chapter 18.13 Landscaping shall be placed. In addition, the following sources of funds may be placed in the city's tree fund:

1. Street tree permit fees;
2. Donations and grants for the purposes of the fund;
3. Sale of trees or wood from city property where the proceeds from such sale have not been dedicated to another purpose;
4. Fines and penalties imposed under Chapters 12.04, 16.51 and 18.13, or settlements in lieu of penalties.

B. The city shall use the city tree fund for the following purposes:

1. Acquiring, maintaining, and preserving areas of healthy soil and native vegetation within the city;
2. Planting and maintaining trees within the city to compensate for loss of canopy coverage;
3. Support community urban forestry education;
4. Support the management of urban forest areas to include eradicating aggressive non-native vegetation species;
5. Other purposes relating to trees as determined by city council.

3.54.020 Tree Removal Fine Table

| Tree Removal Infractions (measured as diameter at breast height "dbh") | | | |
|---|-------|-------------------------|---------|
| 2" to 6" | \$250 | 25" – 30" | \$750 |
| 7" to 12" | \$375 | 31" – 36" | \$875 |
| 13" – 18" | \$500 | Greater than 37" | \$1,000 |
| 19" – 24" | \$625 | | |

Section II

Chapter 12.04 of the Camas Municipal Code, shall be re-titled as “Sidewalk and Street Tree Maintenance.”

Section III

Section 12.04.010 – Definitions shall be amended to provide as follows:

A. All property having a frontage on the edge of the right-of-way of any street shall be deemed to be “abutting property” and such property shall be chargeable as provided for by this chapter for all costs or maintenance, repairs or renewal of any form of sidewalk or landscaping improvement between the right-of-way lying in front of and adjacent to the property.

B. “Sidewalk” shall be taken to include any street improvement included in the space between the property line and the improved roadway.

C. A “street tree” is any tree located in the planter strip of the right-of-way, unless designated in another location as noted on the face of a plat, or other approved development plan. The planter strip is typically located between the curb and the sidewalk.

Section IV

A new Section 12.04.025 – Street Tree Permit Required for Removal is hereby adopted as follows:

A. Persons seeking to remove street trees from the right-of-way, shall first obtain a permit from the city.

1. An application for such permit may be required to include the following information relating to the proposed removal of the tree: location; species and size; proposed schedule of removal; and photos of tree.
2. The city may collect a fee for tree permits and the amount will be set forth in the city’s fee schedule.
3. Tree topping is prohibited and is considered to be a form of removal. Topping is the cutting of tree branches to stubs or to lateral branches that are not large enough to assume the terminal role, and contribute to a future hazardous condition or death of the tree.
4. Tree replacement may be a condition of tree removal permitting. If required, the tree must be replaced by the adjacent property owner or their agent within six (6) months of removal. The replacement tree may be in an alternative location other than in the planter strip of the right-of-way as long the alternative location is approved by the city.

B. Street Tree Permit Exemptions.

1. When pruning or removal is performed by municipal crews and is necessary to maintain clearance for public rights-of-way.
2. Hazardous trees determined to pose an imminent threat or danger to public health or safety, or to public or private property, may be removed prior to receiving written permit approval from the city; provided, that the city staff or an arborist documents the hazard with photos. The landowner must submit proof of hazard to the city within fourteen days.

C. Enforcement and Penalties.

1. A person who fails to comply with the requirements of the tree permit, who removes a street tree without obtaining a permit, or fails to comply with a stop work order issued under this section shall be guilty of a non-traffic civil infraction, punishable by a fine of not more than the amounts set forth in Section 3.54.020. Violators shall further be subject to restoration requirements as set forth in Section 12.32.220C.
2. Each day that a violation of the requirements of this chapter continues shall constitute a separate infraction. In addition, each unlawfully destroyed tree shall constitute a separate infraction. Any person who aids or abets in the violation shall be considered to have committed a violation for purposes of this section.
3. Any commissioned police officer of the City of Camas or the City's Code Compliance Officer may issue infractions pursuant to this Chapter.
4. In addition to or in place of civil fines, the City may bring injunctive, declaratory, or other actions to enforce this chapter.

Section V

Section 12.32.030 shall be amended as to provide as follows.

No person shall in any park without prior written authorization from the city:

- A. Cut, break, injure, destroy, take or remove any tree, shrub, timber, plant or natural object in any park.
- B. Remove any earth, boulders, gravel or sand.

Section VI

Section 12.32.220 B shall be amended and Subsections C and D added to provide as follows.

B. It is a misdemeanor punishable by a fine not to exceed \$1,000 or by imprisonment not to exceed ninety days or by both such fine and imprisonment to commit any act made unlawful under Camas Municipal Code Section 12.32.030. As an additional concurrent penalty, it shall be a civil infraction for a person, firm, or corporation to violate or fail to comply with Section

12.32.030. A person, firm, or corporation found to have committed a civil infraction shall be assessed a fine of not more than the amounts set forth in Section 3.54.020. Each unlawfully removed tree shall constitute a separate infraction. Any person who aids or abets in the violation shall be considered to have committed a violation for purposes of this section. Each day that a violation of the requirements of this chapter continues shall constitute a separate infraction. Any commissioned police officer of the City of Camas or the City's Code Compliance Officer may issue infractions pursuant to this chapter.

C. Restoration. Violators of this chapter shall be responsible for restoring unlawfully damaged areas in conformance with a plan approved by a Planning Official, which provides for repair of any environmental and property damage, and restoration of the site; and which results in a site condition that, to the extent practical, equals the site conditions that would have existed in the absence of the violation(s). Restoration costs will be based on the city appraised value of unapproved trees removed using the most current edition of Guide for Plant Appraisal (International Society Arboriculture Council of Tree and Landscape Appraisers). The amount of appraisal costs that exceed the approved restoration plan costs will be paid into the city's Tree Fund.

D. All other violations of any provision of this chapter are deemed a non-traffic civil infraction for which a notice of infraction may be issued. Any person found to have committed an infraction under this chapter shall be assessed a monetary penalty not to exceed two hundred fifty dollars

Section VII

A new Subsection 16.51.200 C(1)(e), C(2)(d), and C(3) are hereby adopted as follows:

C. Minimum Performance Standards for Restoration/Penalty.

1. e. Annual monitoring reports shall be sent to the planning division regarding the success of the required mitigation for a period of five years following the installation of the mitigation. Corrective measures shall be taken if monitoring indicates that the performance standards are not being met.
2. d. Annual monitoring reports regarding the success of the required mitigation for a period of five years following the installation of the mitigation shall be sent to the planning division. Corrective measures shall be taken if monitoring indicates that the performance standards are not being met.
3. A person who, without authority, removes any tree within a critical area and associated buffer area, shall be guilty of a non-traffic civil infraction, punishable by a fine of not more than the amounts set forth in Section 3.54.020. Each unlawfully removed tree shall constitute a separate infraction. Any person who aids or abets in the violation shall be considered to have committed a violation for purposes of this section. Any commissioned police officer of the City of Camas or the City's Code Compliance Officer may issue infractions pursuant to this

chapter. In addition, the violator must plant new trees at a ratio of two replacement trees for each tree felled, within one year in accordance with an approved restoration plan.

Section VIII

Section 16.51.200 D is hereby amended to provide as follows:

D. Enforcement

1. Any person, firm, or corporation who knowingly violated or fails to comply with any term or provision of this chapter shall be deemed to have committed a misdemeanor, and if convicted such offense shall be subject to a fine not to exceed \$1,000 or by imprisonment not to exceed ninety days, or by both such fine and imprisonment.
2. As an additional concurrent penalty, it shall be a civil infraction for a person, firm, or corporation to violate or fail to comply with any term or provision of this chapter. A person, firm, or corporation found to have committed a civil infraction shall be assessed a fine of not more than the amounts set forth in Section 3.54.020. Each unlawfully removed tree shall constitute a separate infraction. Any person who aids or abets in the violation shall be considered to have committed a violation for purposes of this section. Each day that a violation of the requirements of this chapter continues shall constitute a separate infraction. Any commissioned police officer of the City of Camas or the City's Code Compliance Officer may issue infractions pursuant to this chapter.

Section IX

The following sections with references to Section 18.31.080 shall be amended to refer to Section 18.13.045 as follows:

17.09.030 B(5)(p); 17.11.030 B(5); 17.15.030 B(4); and 17.19.030 A(2)

Section X

Section 18.03.030 shall be amended to include a definition for "Vision Clearance Hazard" as follows:

18.03.030 – Definitions for Land Uses.

Vision Clearance Hazard – an object that interferes with vision near intersections of roadways and motor vehicle access points where a clear field of vision is required for traffic safety and to maintain adequate sight distance. See also "Vision clearance area" design provisions at Section 18.17.030.

Section XI

Section 18.03.040 shall be amended to include the following additional definitions:

18.03.040 – Environmental definitions.

"Significant trees" means evergreen trees eight inches DBH, and deciduous trees twelve inches DBH. Does not include hazard trees or invasive species.

"Critical root zone" is the area of soil around a tree trunk where roots are located that provide stability and uptake of water and minerals required for tree survival.

"Hazard Tree". A hazard tree is any tree with a combination of structural defect and/or disease, which makes it subject to a high probability of failure and a proximity to persons or property which makes it an imminent threat.

"Tree protection zone" is an arborist-defined area surrounding the trunk intended to protect roots and soil within the critical root zone and beyond, to ensure future tree health and stability. Tree protection zones may be calculated based on multiplying the tree's DBH by a factor of 12 depending on the tree's species and tolerance of root disturbance.

"Diameter at Breast Height" (DBH) means the diameter of the tree measured at 4'6" above soil grade.

Section XII

Section 18.09.060 D shall be amended to provide as follows:

18.09.060 - Density transfers.

D. Where a tract under "C" above, includes one-half acre or more of contiguous area, the city may provide additional or negotiated flexibility in lot sizes, lot width, or depth, or setback standards. In no case shall the maximum density of the overall site be exceeded. The city may, also provide the landowner with:

1. A credit against park and open space impact fees per Chapter 3.88; or
2. Cash from the parks and open space impact fee fund or other public fund.

Section XIII

The following Sections and Subsections of Chapter 18.13 – Landscaping shall be amended to provide as follows:

18.13.010 - Purpose.

A. To establish minimum standards for landscaping in order to provide screening between incompatible land uses, minimize the visual impact of paved areas, provide for shade, and minimize erosion; and

B. To implement the city's comprehensive plan goals which include preserving natural beauty in the city, and protecting Camas' native landscape and mature tree cover.

18.13.020 - Scope

A. Unless otherwise exempted, the standards of this chapter shall apply to any site to be developed. All applicable development activities shall be required to prepare a landscape plan and shall be required to meet the minimum tree density herein created.

B. The standards of this chapter shall apply to the following:

1. Commercial, industrial, governmental uses, and land divisions;
2. Redevelopment including change of use when Site Plan Review is applicable (refer to Chapter 18.18 Site Plan Review);
3. Parking lots with greater than four spaces;
4. Development that is subject to Design Review (refer to Chapter 18.19 Design Review);
5. Undeveloped property converting to an allowed use in the zone (e.g. infill lots); and
6. Conditional uses. The standards for landscaping will be the same as the landscaping standards in commercial zones if conditional use will occur in a residential zone.

18.13.040 – Procedure for Landscape, Tree and Vegetation Plans.

A. Applicants shall submit a detailed Landscape, Tree and Vegetation Plan with building and site improvement plans. Included in the plans (at a minimum) shall be type, size, and location of plants and materials.

B. A tree survey must be included for any applicable development proposing to remove trees.

18.13.050 - Standards for Landscape, Tree and Vegetation Plans.

B. Landscaping and trees shall be selected and located to deter sound, filter air contaminants, curtail erosion, minimize stormwater run-off, contribute to living privacy, reduce the visual impacts of large buildings and paved areas, screen, and emphasize or separate outdoor spaces of different uses or character.

C. Landscape, Tree and Vegetation Plan must include a combination of trees, shrubs, and ground cover to achieve the purposes of this chapter.

1. Required landscaping shall be comprised of a minimum of sixty (60) percent native vegetation (or adapted to northwest climate), or drought-tolerant vegetation, and fifty (50) percent evergreen.

2. Deciduous trees shall have straight trunks, be fully branched, have a minimum caliper of two inches, be equivalent to a fifteen-gallon container size, and be adequately staked for planting.

3. Evergreen trees shall be a minimum of five feet in height, fully branched, and adequately staked for planting.

D. Street trees will be required as part of the frontage improvements. Species, size and spacing of the trees must be consistent with the Design Standards Manual. Unless otherwise specified, trees must generally be spaced 30-feet apart. Substitute varieties are subject to approval by the City of Camas.

E. Proposed vegetation cannot be an invasive species as listed within the most current edition of the Clark County Noxious Weed List (e.g. English Ivy cultivars).

G. Ground Cover, defined as living material and not including bark chips or other mulch, shall be from containers of one gallon or larger. Plants shall be planted and spaced in a triangular pattern which will result in eighty (80) percent cover in three (3) years. Lawn cannot be the primary ground cover within required landscape buffers unless approved for stormwater conveyance. Grass species, if used as ground cover, shall be native or drought-tolerant, and appropriate for the use of the area.

18.13.055 Landscape buffering standards

A. Landscape buffers shall be in compliance with the below referenced table:

Table 1—Landscape Buffers

| Abutting zone ► | Residential | | Commercial | | Business Park | | Industrial | |
|--------------------------------|---------------------------|-----------------------|---------------------------|-----------------------|---------------------------|-----------------------|---------------------------|-----------------------|
| Uses on Site ▼ | Not Separated by a Street | Separated by a Street | Not Separated by a Street | Separated by a Street | Not Separated by a Street | Separated by a Street | Not Separated by a Street | Separated by a Street |
| Multifamily Residential | 5' L1 | 5' L1 | 10' L3 | 10' L2 | 10' L2 | 10' L2 | 10' L2 w/F2 Fence | 10' L3 |
| Commercial | 10' L3 | 5' L2 | 5' L1 | 5' L2 | 5' L2 | 5' L2 | 10' L3 | 10' L2 |
| Industrial | 10' L2 w/F2 Fence | <u>10' L2</u> | <u>10' L3</u> | <u>10' L2</u> | 10' L3 | <u>5' L2</u> | 5' L2 | 5' L1 |

18.13.060 Parking areas.

C. Parking lots shall include a minimum ratio of one tree per six parking spaces. (See Figure 18.13.060-1).



Figure 18.13.060-1 Example of Parking Lot Planter Areas. In this example, there are three medium-sized trees (“A”) for 18 parking spaces, with ground cover (“B”) and shrubs (“C”).

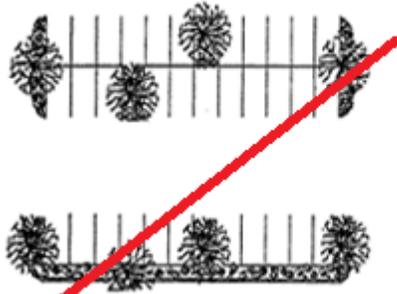


Figure 18.13-1 Parking Lot Planting Islands



Figure 18.13-2 Parking Lot Landscape Divider Strip

- E. Planter areas for trees must provide a minimum of 500 cubic feet of soil, and shall provide eight-foot by eight-foot (8'x8') minimum of clear planting space. For other vegetative buffer areas a minimum of a five foot clear width must be provided.
- H. No more than fifteen parking spaces shall be located in a row without a landscaped divider strip (See Figure 18.13.060-1).

Section XIV

The following additional Sections of Chapter 18.13 – Landscaping shall be adopted to provide as follows:

18.13.025 – Exemptions

The following activities are exempt from submittal of a Landscape Tree and Vegetation Plan:

- A. Commercial Nurseries. Removal of trees and vegetation which are being grown to be sold as landscape trees.
- B. Forest Practices Permit. Removal of trees as allowed with a forest practices permit issued by the Washington State Department of Natural Resources. Exemption does not include conversion of forest land to other uses.
- C. Developed Residential Lots. Removal of trees on lots which: (1) are less than 24,000 square feet and are part of a subdivision or short plat; (2) which cannot be further divided in accordance with the underlying zoning district; and (3) trees to be removed are not within shoreline areas or critical areas.

D. Undeveloped property and developed lots (24,000 square feet and greater). Removal of up to 6 trees per acre, up to a total of 6 trees within any 12 consecutive month period when: (1) the property is intended to remain undeveloped for a period of six years and such intent is recorded in a covenant; (2) if a minimum tree density of 30 tree units per acre is maintained; and (3) the trees to be removed are not within shoreline areas or critical areas. Removal of trees on parcels of less than one acre in size shall be limited in proportion to six trees per acre (e.g. a half acre parcel can remove 3 trees).

E. Downtown commercial zone. Downtown commercial zone properties must include properly spaced street trees, and other landscape screening in accordance with downtown design review standards, but are not required to meet tree density minimums.

F. Minor development. A Landscape, Tree and Vegetation plan is not required for any site disturbance less than 500 square feet and where no tree will be removed or adjacent tree(s) impacted.

18.13.045 – Tree Survey

A. The applicant must submit a tree survey that is prepared by a certified arborist or professional forester.

B. A tree survey must contain the following:

1. Inventory.

- a. Map of the site, with tree locations numbered
- b. Include all significant trees that will be impacted by the proposed development, which may include trees off-site if canopies overhang the subject property. Open space tracts to be set aside for conservation purposes do not need to be included in survey.
- c. Provide the common and scientific name of inventoried trees.

2. Assessment.

- a. Size. Measure and provide the diameter at breast height (DBH).
- b. Tree protection zone. (Refer to CMC 18.03.050 Environmental Definitions)
- c. Tree health. An overall assessment of the trees structural stability and failure potential based on specific structural features (e.g. decay, conks, co-dominant trunks, abnormal lean) and rated as good, fair or poor.
- d. Recommendation for preservation or removal. The recommendation will consider proposed grading, trenching, paving, fencing and other construction plans.
- e. If hazardous, then an evaluation of hazardous trees will include a numerical value of hazard based on the following: failure potential; size of part most likely to fail; and distance to target (e.g. new residence).

18.13.051 Minimum Tree Density Requirement.

A. Tree Density. A minimum tree density per net acre is required and must be incorporated within the overall landscape plan. The tree density may consist of existing trees, replacement trees or a combination of existing and replacement trees, pursuant to the priority established in Section 18.13.052.

18.13. 051 Table 1: Required Tree Density

| Proposed Activity | Required Minimum Tree Density per Net Acre | Required Tree Replacement |
|--|--|---|
| New Development | 20 Tree Units | 20 Tree Units per acre |
| Residential | 20 Tree Units | 20 Tree Units per acre |
| Developed commercial and industrial properties | 20 Tree Units | 3 Tree Units for every 1 tree unit removed up to the minimum tree density per acre. |

B. Tree Density Calculation. Specific instructions on how to perform tree density calculations are provided in the Design Standards Manual. “Tree Unit” is a unit of measurement based upon the size of the diameter of the tree measured at the breast height (“dbh”). New trees are given a value of one (1) Tree Unit, as they must be a minimum of 2” dbh when planted. Tree Unit values are summarized in the following Table:

18.13.051 Table 2: Tree Units for Existing Trees

| Diameter at Breast Height "dbh" | Tree Units | Diameter at Breast Height "dbh" | Tree Units |
|---------------------------------|------------|---|------------|
| 1" to 5" | 1 | 31" to 32" | 12 |
| 6" to 12" | 2 | 33" to 34" | 13 |
| 13" to 14" | 3 | 35" to 36" | 14 |
| 15" to 16" | 4 | 37" to 38" | 15 |
| 17" to 18" | 5 | 39" to 40" | 16 |
| 19" to 20" | 6 | 41" to 42" | 17 |
| 21" to 22" | 7 | 43" to 44" | 18 |
| 23" to 24" | 8 | 45" to 46" | 19 |
| 25" to 26" | 9 | 47" to 48" | 20 |
| 27" to 28" | 10 | 49" to 50" | 21 |
| 29" to 30" | 11 | For larger trees, allow a ½ tree unit for every additional inch of dbh. | |

18.13.052 Tree and Native Vegetation Preservation

A. When determining where to retain or plant trees, locations with healthy soils, native understory vegetation, and mature trees shall have priority when there are feasible alternative locations on site for proposed buildings and site improvements to achieve the minimum tree unit density per acre. This may require site redesign. Provided, where necessary, density transfer areas may be used to ensure protection and retention of trees.

B. In designing a development project and in meeting the required tree density, the applicant must provide a Landscape, Tree and Vegetation plan that retains healthy, wind firm trees in the following priority:

1. Trees located within critical area buffers. Trees must be identified within a protected tract.
2. Significant wildlife habitat, or areas adjacent and buffering habitat.
3. Significant trees that are greater than 36 inch dbh.
4. Groves of trees, or other individual healthy trees with the intent to retain must be located in separate tract if part of a land division, or other protective mechanism if other development type,
5. Trees, that if removed would cause trees on adjacent properties to become hazardous.

C. Mitigation and Replacement. In areas where there are currently inadequate numbers of existing trees to meet minimum tree density, where the trees are inappropriate for preservation, the soils are poor, or there are significant invasive species, then mitigation shall be required to meet the minimum tree

density. The applicant’s proposed location for replacement trees or mitigation shall be subject to the city’s approval of the Landscape Plan. Replacement trees shall be planted in the following priority:

1. Onsite.
 - a. Within or adjacent to critical area buffers or wildlife habitat areas
 - b. Adjacent to stormwater facilities
 - c. Landscaping tracts, such as at entrances, traffic islands or other common areas
 - d. Removal of invasive species and restorative native vegetation planting equivalent to the area necessary for new tree planting.

2. City tree fund. When on-site locations are unavailable or infeasible, then the applicant can pay an amount equal to the market value of the replacement trees into the city’s tree fund.

Section XV

Chapter 18.31 – SENSITIVE AREAS AND OPEN SPACE is hereby repealed.

Section XVI

This Ordinance shall take force and be in effect five (5) days from and after its publication according to law.

PASSED BY the Council and APPROVED by the Mayor this ____ day September, 2018.

SIGNED: _____
Mayor

ATTEST: _____
Clerk

APPROVED as to form:

City Attorney