ORDINANCE NO. 2204

AN ORDINANCE adopting regulations for the management of
vegetation removal in environmentally sensitive areas, establishing
standards for preliminary reviews, vegetation management plans,
and the issuance of permits, and providing for the enforcement of
such regulations.

THE COUNCIL OF THE CITY OF CAMAS DO ORDAIN AS FOLLOWS:

Section I

Findings.   The Council makes the following findings:

A. The Washington State Growth Management Act requires certain cities to identify and
protect environmentally sensitive lands, which include steep slopes, wetlands, streams and water
courses, and wildlife habitat;

B. It is the City's intent to protect environmentally sensitive areas within the City;

C. Development within the City has resulted in increased impermeable surfaces, thereby
creating additional storm water runoff and surface water, which results in a greater risk of erosion
and landslide;

D. The uncontrolled removal of vegetation in environmentally sensitive areas creates
potential risk to the public health, safety and welfare of the citizens of Camas.

E. Adoption of regulations managing the removal of vegetation from environmentally
sensitive areas will further the objectives of the Growth Management Act, will reduce the risk of
erosion and landslide, and will benefit the public health, welfare and safety of the citizens of
Camas.

Section II

Definitions.   For the purpose of this Chapter, the following definitions shall apply:

A. "Adverse environmental impact" shall mean an impact caused by vegetation removal
which creates a risk of landslide or erosion, or which alters or damages wetlands, wetland
buffers, wildlife habitat, or stream or watercourses.

B. "Environmentally sensitive areas" shall mean those areas defined in Chapter 18.61
and 18.62 of the Camas Municipal Code as follows: "steep slopes or area with potentially
unstable soils" — 18.61.020(i); "stream or watercourse" — 18.61.020(j); "wetland" —
18.61.020(k); "wetland buffer" — 18.61.020(l); and "wildlife habitat" — 18.62.040(a).

C. "Vegetation removal" shall mean the destruction of plant life, and shall include clearing, cutting, pruning, killing by herbicide, burning, or any other method of removing all or any portion of plant life.

Section III

Exceptions.   This ordinance shall not apply to:

A. Removal of vegetation outside of environmentally sensitive areas.

B. Removal of trees four inches or less in diameter, as measured at the base.

C. Annual removal of vegetation from an area under 1,000 square feet.

D. Removal of three or fewer trees over four inches in diameter, as measured at the base.

E. Removal of dead, diseased or dying vegetation and trees.

F. Normal maintenance associated with residential properties, including mowing, rototilling, and pruning.

G. Removal of non-native invasive plant species, such as Himalayan blackberries and ivy.

H. Removal of vegetation associated with land surveys and environmental surveys.

I. Removal of vegetation related to the construction, installation, and maintenance of public utilities.

Section IV

Permit Required.   All persons seeking to remove vegetation from an environmentally sensitive area shall first obtain a permit from the City of Camas. An application for such permit shall be filed with the Public Works Department and shall contain information relating to the proposed removal of vegetation, including but not limited to the location and species of plants and vegetation proposed to be removed, the contours of the subject property, soils information, the proposed schedule of removal, and any other information required by the Public Works Director.

Section V

Preliminary Review.   Upon receipt of an application for a vegetation removal permit, the Public Works Director or his designee shall conduct a preliminary review. If the Public Works Director finds that the proposed vegetation removal is exempt, or will have no adverse

environmental impact, then the Public Works Director shall issue a letter stating that the provisions of this Chapter do not apply and that no permit is required.

If the Public Works Director finds that the proposed vegetation removal is not exempt, and that there is potential for an adverse environmental impact, then a vegetation removal permit shall be required. Any uncertainty regarding the degree of environmental impact shall be resolved in favor of finding an adverse impact.

Section VI

Vegetation Management Plan Not Required. For those applications that the Public Works Director determines a permit is necessary, the Public Works Director shall make a further determination of whether a vegetation management plan shall be required. If the proposed vegetation removal is minor in nature, and, if in the opinion of the Public Works Director, adverse environmental impacts can be mitigated without requiring the submission of a vegetation management plan, then the Public Works Director may issue a permit with mitigating conditions as may be appropriate.

Section VII

Vegetation Management Plan Required. For those applications that the Public Works Director determines a permit is necessary and which are determined not to be minor in nature, a vegetation management plan shall be required prior to issuance of the permit

Section VIII

Vegetation Management Plan—Standards. Vegetation management plans shall meet the following standards:

A. Vegetation management plans shall be prepared by a qualified arborist.

B. If the proposed vegetation removal impacts a steep slope or area with potentially unstable soils, the vegetation management plan shall contain a certification by a qualified geotechnical engineer that removal of vegetation in accordance with the vegetation management plan will not cause erosion or increase the likelihood of a landslide.

C. Where possible, proposed vegetation removal activities proximate to environmentally sensitive areas should be configured in a manner which avoids impact.

D. Where possible, limbing, pruning or thinning should be utilized in lieu of removal of vegetation.

E. Vegetation removal should normally be mitigated through vegetation enhancement in the form of additional plantings.

F. Vegetation management should be done in the manner that takes into consideration storm water runoff, slope stability, view enhancement, and wildlife habitat.

G. The schedule for removal and planting should be done in such a manner as to optimize the survival of the modified vegetation and new plantings.

H. Monitoring of vegetation survival may be required, and should normally include reports and photographs to the Public Works Director or his designee.

I. Vegetation removal for purposes of view enhancement should be limited to view corridors, as opposed to removal of vegetation over a large area.

J. Vegetation management plans shall bear the certification of the qualified arborist and any other registered professional involved in its preparation or implementation.

K. Vegetation management plans should contain a provision requiring thirty (30) days written notice to the City prior to any removal of vegetation or replanting of vegetation.

Section IX

Bonding. A bond may be required to insure proper maintenance, replacement or repair of areas altered in accordance with this Chapter. The bond amount shall be not less than 1.25 times the value of the plantings to be planted following removal of vegetation.

Section X

Incorporation. The provisions of an approved vegetation management plan shall be incorporated into the covenants, conditions and restrictions of any approved development, the conditions of approval for any subdivision, planned development, or other development, or permit conditions for any other development permit.

Section XI

Protective Devices. The City may require a legally binding mechanism to insure that the conditions of the vegetation management plan are followed and may include a conservation easement, dedication to a public agency or public or private land trust, or other similar mechanism.

Section XII

Enforcement.   The Director of Public Works, or his authorized designee, is directed and authorized to implement and enforce all provisions of this Chapter. In enforcing this Chapter, the Public Works Director or his authorized designee shall have the following duties and powers:

A. To require the submission of vegetation management plans, and to review and approve such plans.

B. To inspect all construction activities to assure compliance with the provisions of this Chapter.

C. To order the stoppage of any construction activity being conducted in violation of this Chapter or in violation of an approved vegetation management plan.

D. To require any person violating the provisions of this Chapter or an approved vegetation management plan to undertake all corrective and any other remedial measures necessary to remedy such violation.

Section XIII

Penalty.   Any person violating any provision of this Chapter or the terms of any vegetation removal permit shall be deemed guilty of a gross misdemeanor and shall be punished by imprisonment for a maximum term of not more than one (1) year or by a fine in the maximum amount of not more than $5,000.00, or by both such imprisonment and fine. Each separate day or any portion thereof during which any violation occurs or continues constitutes a separate offense, and upon conviction thereof shall be punishable as provided in this Chapter.

Section XIV

Appeal.   Any person aggrieved by the decision of the Public Works Director to grant or deny an application for a vegetation removal permit may appeal that decision to the City Council. Every appeal to the City Council shall be filed with the Finance Department within ten (10) days following the date of the decision being appealed. Review by the City Council shall be de novo.
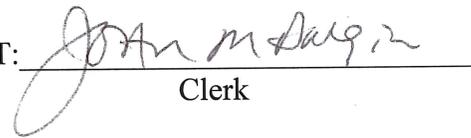
Section XV

Repeal. Ordinance 2203 is hereby repealed.

Section XVI

Effective Date. 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 _24_ day of May, 1999.

SIGNED: _____
Mayor

ATTEST: _____
Clerk

APPROVED as to form:

_____
City Attorney