

ORDINANCE 2007-05

AN ORDINANCE of the City of Bainbridge Island, pertaining to management of slopes identified as geologically hazardous areas, and amending Sections 16.20.030, 16.20.040, 16.20.070 and 16.20.150 of Chapter 16.20 of the Bainbridge Island Municipal Code (BIMC).

WHEREAS, BIMC Chapter 16.20, the Critical Area Ordinance, regulates activities on and adjacent to critical areas; and

WHEREAS, geologically hazardous areas are one type of critical areas recognized in the Growth Management Act (RCW 36.70a); and

WHEREAS, on December 14, 2005, the City Council adopted Ordinance 2005-03 amending BIMC Chapter 16.20 of the Bainbridge Municipal Code; and

WHEREAS, implementation of code revisions specific to development regulations in geological hazardous areas requiring a variance has resulted in preventing approval of some development projects that are consistent with the goal of protecting the public and private safety in managing geologically hazardous areas and that are consistent with the comprehensive plan goals and policies due to the inability of such projects to meet strict variance decision criteria; and

WHEREAS, the City Council desires to allow appropriate project development that can be permitted without impacting the public or private safety; now, therefore,

THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Section 16.20.030(A)(49) of Chapter 16.20 of the Bainbridge Island Municipal Code is amended to read as follows:

6. "Buffer" means an area adjoining to and a part of a critical area that is required for the continued maintenance, functioning, and/or structural stability of that critical area, or an area adjacent to a stream or wetland that (a) surrounds and protects the functions and values of the stream or wetland from adverse impacts, (b) is an integral part of a stream or wetland ecosystem, and (c) provides shading, input of organic debris and coarse sediments, room for variation in stream or wetland edge, habitat for wildlife, and protection from harmful intrusion, to protect the public from losses suffered when the functions and values of the wetland or stream are degraded.

33. "Landslide hazard areas" means areas which are potentially subject to risk of mass movement due to a combination of factors, including historic failures, geologic, topographic, and hydrologic features. Some of these areas are identified in the Department of Ecology Coastal Zone Atlas and USGS Surface Geology Map of Bainbridge Island (Haugerud, 2001). The presence of these factors shall be determined through assessment, by the least intrusive means, by the City Engineer or at the City Engineer's request by a third party geoengineer or geotechnical expert, prior to issuance of any permit. Landslide hazard areas include the following:

- a. Areas characterized by slopes greater than 15 percent having springs or groundwater seepage and having impermeable soils (typically silt and clay) overlain or frequently interbedded with permeable granular soils (predominantly sand and gravel);
- b. Any area potentially unstable due to rapid stream incision or stream bank erosion;
- c. Any area located on an alluvial fan, debris flow deposit, or in a debris flowpath, presently or potentially subject to impacts or inundation by debris flows or deposition of stream-transported sediments;
- d. Any area with a slope of 40 percent or greater and with a vertical relief of 10 or more feet except areas composed of competent consolidated rock;
- e. Any area designated or mapped as class U, UOS, or URS by the Department of Ecology Coastal Zone Atlas and/or mapped as a landslide or scarp on the USGS Surface Geology Map of Bainbridge Island (Haugerud, 2001); or
- f. ~~Any area within 50 feet of the top, toe, or sides of any of the above landslide hazard areas, except debris flow areas or stream deposition areas. This 50 foot area may be expanded in special cases at the discretion of the City Engineer.~~

"49. "Variance" means relief from the provisions of the habitat buffer standards for wetlands or fish and wildlife habitat conservation areas, ~~or provisions of section 16.20.150(E) (2) (a) pertaining to setbacks from slopes classified as a geologically hazardous area,~~ where strict application of this chapter renders compliance with these provisions an unnecessary hardship by strict application of this Chapter, as provided for in BIMC 16.20.070."

Section 2. Section 16.20.040(C) of Chapter 16.20 of the Bainbridge Island Municipal Code is amended to read as follows:

"C. Exemptions. The following activities are exempt from the requirements of this chapter:

1. Emergencies that threaten the public health, safety and welfare.
An "emergency" is an unanticipated and immediate threat to public health, safety, or the environment which requires action within a time too short to allow compliance with this chapter. Restoration or mitigation of critical areas and buffers impacted by emergency action shall be required in a timely matter.

2. Ongoing agricultural activities using best management practices as included in a farm management plan developed by the Kitsap Conservation District.

3. Normal and routine maintenance of structures, landscaping and vegetation that will not further impact or alter critical areas or buffers.

4. Normal and routine maintenance and operation of pre-existing retention/detention facilities, biofilters and other stormwater management facilities, irrigation and drainage ditches, farm ponds, fish ponds, manure lagoons, and livestock water ponds; provided, that such activities shall not involve conversion of any wetland not currently being used for such activity. Any maintenance of ponds located in stream habitat areas shall require appropriate approval from the Washington Department of Fish and Wildlife.

5. Structural alterations to buildings that do not increase the structural footprint or introduce new adverse impacts to an adjacent critical area, except for structures located on geologically hazardous areas which are not exempt.

6. Normal and routine maintenance or repair of existing utility structures within a right-of-way or existing utility corridor or easements, including the cutting, removal and/or mowing of vegetation.

7. Forest practices conducted pursuant to Chapter 76.09 RCW, except Class IV (general conversions) and Conversion Option Harvest Plans (COHP).

8. Activities within a portion of a wetland buffer or fish and wildlife habitat area buffer located landward of an existing, substantially developed area, such as a paved area, or permanent structure, which eliminates or greatly reduces the impact of the proposed activities on the wetland or fish and wildlife habitat area. The Director shall review the proposal to determine the likelihood of associated impacts.

9. Hazard Tree Removal. Where a threat to human life, property, or slope stability is demonstrated, the Director may allow removal of danger or hazard trees subject to the following criteria:

a. Tree removal is the minimum necessary to balance protection of the critical area and its buffer with protection of life and property; and

b. The critical area or its buffer shall be replanted as determined by the Director.

The Director shall coordinate review with the Washington State Department of Fish and Wildlife as determined necessary to assure

habitat protection. The Director may require the applicant to consult with a professional forester or a certified arborist prior to tree removal. Hazard tree abatement can sometimes be achieved by felling the tree or trimming the tree. Habitat needs may require leaving the fallen tree in the riparian corridor or maintaining a high stump for wildlife habitat.

10. Aquifer recharge areas. A person, or property, shall be exempt from the provisions of this chapter unless either of the following is true:

- a. The property is located in a fish and wildlife habitat conservation area, frequently flooded area, geologically hazardous area, and/or wetland; or
- b. One or more of the uses identified in BIMC 16.20.120.B-E are proposed.”

Section 3. Section 16.20.040(D) of Chapter 16.20 of the Bainbridge Island Municipal Code is amended to read as follows:

“D. Standards for existing development.

1. Existing structures and related improvements. Structures and related improvements that were legally built or vested prior to the effective date of Ordinance No. 2005-03 that do not meet the setback or buffer requirements of this chapter may continue to exist in their present form, and may be altered, including remodeled, reconstructed, or expanded, if such alteration complies with the provisions of this Section.

2. Existing structures, not located in a geologically hazardous area, that were legally built or vested prior to the effective date of Ordinance No. 2005-03 may be altered if:

- a. There is no change in the footprint of the building;
- b. The remodel is entirely inside the existing building;
- c. There is no further encroachment into the buffers required pursuant to this chapter unless a Variance is first approved; or
- d. Any expansion of the building footprint is exclusively on the sides that do not touch the buffers.

3. Existing property improvements other than structures, including driveways, parking areas, yards, play areas, storage areas, and similar improvements that were legally established or vested prior to the effective date of Ordinance No. 2005-03 may be altered if:

- a. There is no change in the location of the improvement;
- b. Any alteration of the improvement is entirely inside of the existing boundaries of the improvement;

- c. There is no further encroachment into the buffers unless a Variance is first approved; or
- d. Any increase in the area of the improvement is exclusively on the sides that do not touch the buffers.

4. Alterations permitted by this Section shall not be exempt from applicable City review or permit requirements or other applicable City codes.”

Section 4. Section 16.20.070(A) of Chapter 16.20 of the Bainbridge Island Municipal Code is amended to read as follows:

“A. Applicability. An applicant may seek a variance from habitat buffer standards for wetlands or fish and wildlife habitat conservation areas, ~~or provisions of section 16.20.150(E)(2)(a) pertaining to setbacks from slopes classified as a geologically hazardous area,~~ where application of the standards renders compliance with these provisions an unnecessary hardship. A variance is authorized primarily for relief from wetland and stream habitat buffer standards that result in greater reduction than can be achieved through the buffer averaging in Subsection 16.20.050(B) above. A variance will not be allowed for reduction of the water quality buffers. Alterations specific to wetlands and streams and their water quality buffers are processed pursuant to a reasonable use exception, BIMC 16.20.080.”

Section 5. Section 16.20.150(D) of Chapter 16.20 of the Bainbridge Island Municipal Code is amended to read as follows:

“D. Minimum Submittal Requirements.

1. All geologically hazardous areas and buffers.

a. Indemnification. An indemnification or hold harmless agreement shall be required for all projects in geologically hazardous areas and buffers except erosion hazard areas and tsunami hazard areas. The form of the agreement shall be approved by the City and executed prior to the commencement of construction or site alteration.

b. Notice. ~~If no other public notice is required for a proposed development located in a landslide hazard areas,~~ a notice of intent to construct on a landslide hazard area or reduce the minimum buffer in a landslide hazard area shall be given pursuant to BIMC 2.16.085.C.2. The notice of intent shall be issued within 14 days of a completed application pursuant to BIMC 2.16.055. The notice shall include a 21-day comment period and no permits or approval of reduced buffers shall be issued before the end of the comment period.

c. All reports or analyses required or prepared pursuant to this Section shall be prepared pursuant to BIMC 16.20.090, 16.20.150, and/or any

other applicable provisions of this chapter, and shall meet the satisfaction of, and be approved by, the City Engineer prior to the commencement of any development activity.

d. To protect public health, safety and welfare, the City Engineer may call for a third party review of any geotechnical report in cases where there may be potential for substantial damage to life, property or the environment should the proposed engineering solution fail. When a third party review is required, costs incurred for a qualified third party geotechnical engineer to perform the review shall be borne by the applicant.

~~d. Mitigation plans. The City Engineer may determine that a mitigation plan is necessary. The mitigation plan shall propose, and the City Engineer may approve, appropriate mitigation measures, which may include, among others, removal of groundwater, vegetation management, and/or construction of bulkheads or retaining walls. No mitigation plan shall be approved that increases the risk of landslide or erosion on-site or off-site. Bulkheads and retaining walls may only be utilized as engineering solutions where it can be demonstrated that a structure will be more safely protected than without the use of such measures, and that the resulting retaining wall is the minimum size necessary to protect the structure, and that no other reasonable project alternative exists. The mitigation plan shall be prepared by qualified professionals, which may include geotechnical engineer, hydrogeologist, arborist, and/or fisheries biologist, depending on specific circumstances and as deemed appropriate by the City Engineer.~~

e. Geological Hazards Assessment. A Critical Area report is required for all projects in geologically hazardous areas and buffers and shall contain an assessment of geological hazards including the following site- and proposal-related information at a minimum:

i. Site and Construction Plans. The report shall include a copy of the site plans for the proposal showing:

A. The type and extent of geologic hazard areas, any other Critical Areas, and buffers on, adjacent to, or within a zone or distance of potential significant influence as determined by a professional engineer/ geologist;

B. Proposed development, including the location of existing and proposed structures, fill, storage of materials, and drainage facilities, with dimensions indicating distances to the floodplain, if available;

C. The topography, as determined by a professional engineer or geologist, of the project area and all hazard areas addressed in the report; and

D. Clearing limits.

ii. Assessment of Geological Characteristics. The report shall include an assessment of the geologic characteristics of the soils,

sediments, and/or rock of the project area and potentially affected adjacent properties, and a review of the site history regarding landslides, erosion, and prior grading. Soils analysis shall be accomplished in accordance with accepted classification systems in use in the region. The assessment shall include, but not be limited to:

A. A description of the surface and subsurface geology, hydrology, soils, and vegetation found in the project area and in all hazard areas addressed in the report;

B. A detailed overview of the field investigations, published data, and references; data and conclusions from past assessments of the site; and site specific measurements, test, investigations, or studies that support the identification of geologically hazardous areas; and

C. A description of the vulnerability of the site to seismic and other geologic events.

iii. Analysis of Proposal. The report shall contain a hazards analysis including a detailed description of the project, its relationship to the geologic hazard(s), and its potential impact upon the hazard area, the subject property, and affected adjacent properties.

iv. Minimum Buffer and Building Setback. The report shall make a recommendation for the minimum no-disturbance buffer and minimum building setback from any geologic hazard based upon the geotechnical analysis. Where the recommended buffers are less than the standard buffers set forth in section 16.20.150(E) of BIMC, the rationale and basis for the reduced buffer shall be clearly articulated and demonstrate that the protection standard set forth in that section has been met.

f. Incorporation of Previous Study. Where a valid Critical Areas report has been prepared for a specific site, and where the proposed land use activity and surrounding site conditions are unchanged, said report may be incorporated into the required Critical Area report, if deemed still valid and appropriate by a professional engineer or geologist. The applicant shall submit a hazards assessment detailing any changed environmental conditions associated with the site based on best professional judgment of the engineer/ geologist.

g. Mitigation of Long-Term Impacts. When hazard mitigation is required, the mitigation plan shall specifically address how the activity maintains or reduces the pre-existing level of risk to the site and adjacent properties on a long-term basis (equal to or exceeding the projected life span of the activity or occupation). Proposed mitigation techniques shall be considered to provide long-term hazard reduction only if they do not require regular maintenance or other actions to maintain their function. Mitigation may also be required to avoid any increase in risk above the pre-existing conditions following abandonment of the activity.

h. In addition to the general Critical Area report requirements of section 16.20.150(D)(1)(e), Critical Area reports for geologically hazardous areas must meet requirements of this section. Critical Area reports for two or more types of Critical Areas must meet the report requirements for each relevant type of Critical Area.

~~2. Erosion Hazard Areas. An erosion control plan prepared by a duly licensed civil engineer shall be submitted to the City prior to the issuance of a clearing or grading permit.~~

3.2 Landslide Hazard and Erosion Hazard Areas. In addition to the basic Critical Areas report requirement, a Critical Areas report for an erosion hazard or landslide hazard area shall include the following information at a minimum:

a. Erosion Control. An erosion control plan prepared by a civil engineer shall be submitted to the City prior to the issuance of a clearing or grading permit.

b. The applicant shall provide a geotechnical analysis containing the following information: specified by the City Engineer, which concludes that the development proposal meets the standards of this section:

i. Site Plan. The Critical Area report shall include a copy of the site plan for the proposal showing:

A. The height of slope, slope gradient, and cross-section of the project area;

B. The location of springs, seeps, or other surface expressions of ground water on or a zone or distance of potential significant influence as determined by a professional engineer/ geologist; and

C. The location and description of surface water run-off features.

ii. Hazards Analysis. The hazards analysis component of the Critical Areas report shall specifically include:

A. A description of the extent and type of vegetative cover;

B. A description of subsurface conditions based on data from site-specific explorations;

C. Descriptions of surface and ground water conditions, public and private sewage disposal systems, fills and excavations, and all structural improvements;

D. An estimate of slope stability and the effect construction and placement of structures will have on the slope over the estimated life of the structure;

E. An estimate of the bluff retreat rate that recognizes and reflects potential catastrophic events such as seismic activity or a one hundred-year storm event;

F. Consideration of the run-out hazard of landslide debris and/or the impacts of landslide run-out on down slope properties;

G. A study of slope stability including an analysis of proposed cuts, fills, and other site grading;

H. Recommendations for building siting limitations; and

I. An analysis of proposed surface and subsurface drainage, and the vulnerability of the site to erosion.

iii. Geotechnical Engineering Report. The technical information for a project within a landslide hazard area shall include a geotechnical engineering report prepared by a licensed engineer that presents engineering recommendations for the following:

A. Parameters for design of site improvements including appropriate foundations and retaining structures. These should include allowable load and resistance capacities for bearing and lateral loads, installation considerations, and estimates of settlement performance;

B. Recommendations for drainage and subdrainage improvements;

C. Earthwork recommendations including clearing and site preparation criteria, fill placement and compaction criteria, temporary and permanent slope inclinations and protection, and temporary excavation support, if necessary; and

D. Mitigation of adverse site conditions including slope stabilization measures for seismically unstable soils, surface water management, location and methods of erosion control, a vegetation management and/or replanting plan, and/or other means for maintaining long-term soil stability if appropriate.

43. Seismic Hazards Areas. In addition to the basic report requirements, a Critical Area report for a seismic hazard area shall also meet the following requirements:

a. Fault Hazard. The applicant shall provide a geologic/geotechnical analysis containing information specified by the City Engineer that documents the presence or absence of any surface deformation on the site in areas mapped by the City. If deformation is located, the applicant shall provide a geotechnical analysis containing information specified by the City Engineer, which concludes that the development proposal as mitigated meets the standards of this section.

b. Liquefaction Hazard. The applicant shall provide a geotechnical analysis containing information specified by the City Engineer that meets the standards of this section (as mitigated).

c. Seismic Landslide Hazard. The applicant shall provide the same analysis and plan as required for landslide hazard areas, pursuant to BIMC 16.20.150(D)(1)(h)(1).

54. Tsunami Hazards. The City shall provide applicants for development in low lying shoreline areas and other areas where flood elevation is controlled by tide level with information on tsunami hazards.

65. Zone of Influence Areas beyond the established buffer. The applicant shall have the surface and storm water management plan for the project reviewed by a geotechnical engineer to determine if there is any potentially adverse impacts to the landslide hazardous area. If the geotechnical engineer or the City Engineer determines that there are potential adverse impacts, the applicant shall provide a geotechnical analysis containing information specified by the City Engineer which analyzes the potential impacts to the geological hazard from the proposed development in the zone of influence and meets the standards of this section. The report shall contain recommendations to avoid adverse impacts to the geologically hazardous area. Concentrated discharge of stormwater shall only be allowed where specially recommended in the report and authorized by the City Engineer.”

Section 6. Section 16.20.150(E) of Chapter 16.20 of the Bainbridge Island Municipal Code is amended to read as follows:

“E. Development Standards.

1. General Requirements. The City Engineer shall establish administrative procedures to implement BIMC 16.20.150. These procedures shall include review by an administrative Technical Review Committee if the development is proposed in a landslide hazard area and/or its buffer. The Technical Review Committee shall include a civil engineer, a geologist or geotechnical engineer and hydrologist. Where landslide areas are associated with other critical areas it shall also include an experienced biologist, ecologist or wetland specialist. The City Engineer must document in the file those involved in the Technical Review Committee and their expertise. ~~The City Engineer shall determine professionally acceptable levels of risk for all activities within geologically hazardous areas.~~ The applicant shall meet the following standards for all activities permitted in geologically hazardous areas or associated buffers:

- a. The proposed activity shall not create a net increase in geological instability, either on- or off-site, which is defined as follows:
 - i. The subject parcel shall not be less stable after the planned development than before; and
 - ii. The adjacent parcels shall not have greater risk or be less stable after the planned development than before.
- b. The proposed activity shall not increase the risk of life safety due to geological hazards above professionally acceptable levels.
- c. The proposed activity shall not increase the risk due to geological hazards above professionally acceptable levels for:

- i. Property loss of any habitable structures or their necessary supporting infrastructure on-site or;
 - ii. Risk to any off-site structures or property of any kind; and
- d. Proposed buildings shall be constructed using appropriate engineering methods that respond to the geologic characteristics specific to the site in order to achieve the highest standard of safety feasible.
- e. The proposed development shall not decrease the factor of safety for landslide occurrences below the limits of 1.5 for static conditions and 1.2 for dynamic conditions. Analysis of dynamic conditions shall be based on the minimum horizontal acceleration as established by the current version of the International Building Code.
- f. The proposed activity shall not further degrade the values and functions of the associated critical areas.

2. Development Design and Location.

~~a. There shall be no clearing, grading, or new construction within 50 feet of the edge of all slopes that are classified as geologically hazardous areas. This 50 foot area may be reduced, as outlined in 16.20.070 (Variances), only if the applicant provides expert verification by a geotechnical engineer, as specified by the City Engineer, that demonstrates that the proposal will not increase slope instability, and that no other reasonable project alternative exists;~~

The following requirements shall apply to any land or vegetation modification or construction within a landslide hazard area and/or its buffer as described herein:

a. Buffer Requirement: A buffer equal to the height of the slope or fifty (50) feet, whichever is greater, shall be established from all edges of a landslide hazard area except where no other reasonable alternative exists, reduction may be allowed as follows:

i. Buffer Reduction.

A. Buffer reductions may be allowed provided a critical areas report, pursuant to BIMC 16.20.150(D)(1)(2) and any other related section of BIMC 16.20, demonstrates to the Director that the buffer reduction will not reduce the level of protection to the proposed development, adjacent properties, and other associated critical areas as required by BIMC 16.20.150(E)(1).

B. For slopes forty (40) percent or greater the buffer may in no case be reduced to less than ten (10) feet. A decision by the Director to reduce the buffer shall be based on a critical areas report pursuant to BIMC 16.20.150(D)(1)(2) that includes a third-party independent review by a qualified geotechnical engineer pursuant to BIMC 16.20.150(D)(1)(d);

ii. Increased Buffer. The buffer may be increased beyond that specified in subsection (a) above if the Director determines a larger buffer is necessary to prevent risk of damage to the proposed

development, adjacent developments, and uses and the associated critical areas;

iii. Building Setback. All building and structures shall have a minimum setback of (15) feet from the outer edge of the buffer around landslide hazard areas to allow for construction activity; and

iv. Vegetation Retention. Unless otherwise provided or as part of an approved alteration, removal of vegetation from an erosion or landslide hazard area or related buffer shall be prohibited.

b. All development proposals shall be designed to avoid impacts to the geologically hazardous areas. The development shall be designed to minimize the footprint of building in other disturbed areas, minimize removal of vegetation, minimize topographic change, and retain open space to the maximum extent practicable;

c. Development design shall utilize clustering, under-structure parking, multi-level construction, and tiered foundations to the extent feasible to minimize impervious lot coverage, slope disturbance, and changes to the natural topography;

d. Access shall be in the least sensitive part of the site, and common access drives and utility corridors are required to the extent feasible;

e. Roads, walkways and parking areas shall be designed to parallel the natural contours to the extent feasible;

f. All proposed clearing and tree removal shall be marked in the field for inspection and approval prior to alteration of the site;

g. Cut and fill slopes shall be prepared and maintained to control against erosion and instability; and

h. Drainage and stormwater designs in zones of influence shall incorporate elements of low impact design, to the extent feasible, and shall be designed in such a manner that stormwater outlet discharges do not create additional impacts. The proposed activities shall not increase surface water discharge or sedimentation to adjacent properties beyond the pre-development condition; and

j. Landslide hazard areas on slopes forty (40) percent or greater shall only be altered as allowed by the exemptions listed in 16.20.150(F). A landslide or erosion hazard area, located on a slope less than forty (40) percent, may only be altered pursuant to the standards of BIMC 16.20.150(E)(1).

Section 7. Section 16.20.150(F) of Chapter 16.20 of the Bainbridge Island Municipal Code is amended to read as follows:

"F. Exemptions. The following activities are permitted in geologically hazardous areas or associated buffers; provided, that the applicant can demonstrate that applicable standards in Subsection (C) 16.20.150(E)(1) can be met, or where the applicant has demonstrated through a Critical

Areas report prepared by a geotechnical engineer in accordance with the specifications of the City Engineer that no adverse impact will result from the proposal and where approved surface water drainage will result in minimum slope and vegetation disturbance:

1. Structural alteration to an existing legally constructed structure that does not increase the structural footprint and are determined by the City Engineer as having a minimal potential for increasing landslide hazard;

2. Surface Water Management: Slopes or buffers may be used for approved surface water conveyance if no other reasonable alternative route is available. Installation techniques shall minimize disturbance to the slope and vegetation.

1.3. The construction of approved public or private trails; provided, they are constructed of material, for example cable lift access, which will not contribute to surface water runoff;

2.4. The construction of public or private utility corridors or streets; provided, it has been demonstrated that such alterations will not increase landslide or erosion risks through required analysis pursuant to 16.20.150(D)(1)(2) and the City determines that no other feasible alternative exists;

35 Select Vegetation Removal Activities. The following vegetation removal activities are allowed, provided that no vegetation shall be removed from a geologically hazardous area or its buffer without approval from the Director;

a. Removal of noxious weeds using non-motorized equipment or light equipment if approved by the Director. If herbicides are used to control these weeds, a licensed applicator is required, unless otherwise authorized by the Director. Bare areas remaining after weed removal shall be re-vegetated with native plant species pursuant to an enhancement plan approved by the City.

b. Removal and pruning of hazard trees as defined by ISA (International Society of Arboriculture) standards by provided that a ISA certified arborist documents the hazard and provides a report to the Director for review and approval. The landowner shall replace any cut tree with three replacement trees (3:1 replacement ratio) six months prior to tree removal with trees a minimum of six feet in height and 4 inches in diameter, in accordance with an approved replacement plan. The Director may require a second opinion from a certified ISA arborist in cases of removal of hazard trees. Replacement trees shall be native species indigenous to the vicinity and approved by the Director. Size of trees shall be approved by the Director. The landowner shall ensure 100% survival of replacement trees

4.6. The trimming and limbing of vegetation and the removal of trees for the creation and maintenance of view corridors in accordance with the pruning standards of the International Society of Arboriculture; provided,

that the soils are not disturbed and activity will not increase the risk of landslide or erosion. ~~The thinning of limbs on individual trees is preferred to removal of trees for view corridors.~~ All vegetation removal must be based on a plan developed by a certified arborist and reviewed by a geotechnical engineer to determine if it will impact slope stability.

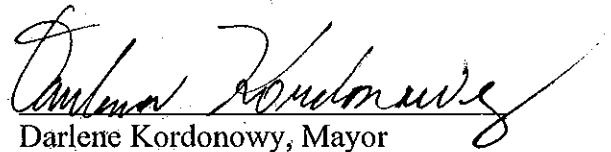
7. Limited Exemption - For landslide areas 40% or greater with a vertical elevation change of up to twenty (20) feet may be exempted from 16.20.150(E)(2)(i) based on the City review and acceptance of a Critical Areas report from a geologist or licensed geotechnical engineer in accordance with 16.20.150(D) when no adverse impact will result from the exemption.

Section 9. Severability. If any one or more section, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

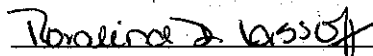
Section 10. Effective Date. This ordinance shall take effect on and be in force five (5) days from and after its passage, approval, and publication as required by law.

PASSED by the City Council this 14th day of November 2007.

APPROVED by the Mayor this 14th day of November 2007.


Darlene Kordonowy, Mayor

ATTEST/AUTHENTICATE:


Rosalind D. Lassoff, CMC, City Clerk

FILED WITH THE CITY CLERK:	March 6, 2007
PASSED BY THE CITY COUNCIL:	November 14, 2007
PUBLISHED:	November 21, 2007
EFFECTIVE DATE:	November 26, 2007
ORDINANCE NUMBER:	2007-05