

ORDINANCE NO. 1035

AN ORDINANCE OF THE CITY OF CLYDE HILL, WASHINGTON;
AMENDING THE CITY'S "TREE--VIEW AND SUNLIGHT OBSTRUCTION
CODE" TO ALLOW ALL AFFECTED PARTIES TO SUBMIT
CONTRACTOR QUOTES TO REMOVE OR PRUNE OFFENDING TREES;
PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE;
AND AUTHORIZING SUMMARY PUBLICATION BY ORDINANCE TITLE.

RECITALS

1. At a regularly held city of Clyde Hill Planning Commission meeting on February 26, 2026, the commission discussed potential changes to the chapter 17.38, "Trees—View and Sunlight Obstruction," of the Clyde Hill municipal code.
2. Residents who had used this code to resolve view obstruction issues had expressed a desire to give all affected parties an opportunity to submit contractor quotes for removal or pruning of offending trees.
3. The Clyde Hill city council held a public hearing on April 14, 2026, to receive public comments and to discuss the proposed amendments to the code to allow all concerned parties to submit quotes for consideration, either by mutual agreement of the parties or by the city's hearing examiner.
4. The Clyde Hill city council has determined that more options should be available to parties when selecting a contractor to prune or remove a tree that has been determined to obstruct neighboring views.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLYDE HILL, WASHINGTON, DO
ORDAIN AS FOLLOWS:

ORDINANCE

Section 1. Subsection B of Clyde Hill Municipal Code section 17.38.070 is amended as follows:

§ 17.38.070 Work of correction and allocation of costs

- A. Allocation of Costs. The cost of all restorative actions and replacement plantings required by the hearing examiner in the examiner's written

decision shall be apportioned by the examiner between the complainant and the tree owner as follows:

1. The complainant and tree owner shall each pay 50 percent of such costs in those cases involving any tree planted or allowed to sprout as a result of natural regeneration by the tree owner subsequent to the effective date of Ordinance No. 648 (November 1991).
 2. The tree owner shall pay 100 percent of such costs in those cases where:
 - a. The tree owner has refused to participate in good faith in the initial neighbor resolution or voluntary mediation processes (CHMC § 17.38.030) and where the complainant has prevailed on their complaint in the hearing examiner's decision;
 - b. In any subsequent dispute between the same parties to restore any view obstructed by the same tree or trees or any of the plantings substituted for the original offending tree or trees described in this subsection (A);
 - c. The tree owner plants a tree(s) against the expressed, written objection of the complainant and the same tree(s) later become the subject of a complaint under this chapter; or
 - d. The tree constitutes a hazard to the safety of the complainant or his property and is being maintained by the tree owner in disregard for the safety of others.
 3. In all other cases, the complainant shall pay 100 percent of such costs.
- B. Deposits and Work of Correction. If a portion of the costs for restorative actions and replacement plantings has been allocated to the complainant, within 15 days after the hearing examiner's decision becomes final, the tree owner will obtain at least two bids from licensed tree service companies to have the prescribed work done, and shall present all bids to the complainant. For complaints that begin the "Process for resolution of obstruction disputes" under CHMC § 17.38.030 after December 31, 2026, the complainant may submit an alternate bid from a licensed tree service company within 15 calendar days of the date the tree owner submits the initial bids. Once bids are obtained, if the parties cannot agree on a selected bid, the bids will be provided to the hearing examiner, who will select an appropriate bid within 15 calendar days from the date all bids have been obtained. Within 15 days after ~~presentation~~ selection of the bids, the complainant will deposit with the

city or tree owner an amount equal to the ~~lowest total~~ bid or percentage thereof allocated by the hearing examiner, based on the mutually agreed bid or the bid selected by the hearing examiner. Failure by a complainant to deposit with the city or tree owner the full amount required by the hearing examiner within the 15 days required shall constitute a withdrawal and abandonment of the claim. The tree owner will, at her/his sole discretion, choose the company by which she/he wishes the work done and shall order the work done within 30 days after receiving the complainant's deposit or such other period of time as the hearing examiner may determine to be reasonable and appropriate. If the tree owner selects a different tree service than the service listed on the agreed or selected bid, the ~~The~~ tree owner shall pay the difference between the deposit amount and the bid amount of the company she/he has chosen. The ordered work shall be done by a licensed tree service under the sole discretion and control of the tree owner. However, nothing in this section shall prohibit the tree owner from doing the work herself/himself, and in that case, the ~~The~~ complainant shall pay only the entire lowest bid amount of the ordered work.

- C. Cost of Continued Maintenance. After the initial compliance with the hearing examiner's decision, the tree owner, at his or her expense, shall be responsible for maintaining the tree(s) in compliance with the examiner's decision.
- D. Application. The provisions in this section for cost allocation are intended solely for the use by the hearing examiner in making examiner's decision on a complaint and not intended to be used as guidelines for usage by a complainant or tree owner in their informal discussions or resolution of a claimed view or sunlight obstruction under CHMC § 17.38.030(A) or (B).

Section 2. Savings. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, that decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 4. Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 5. Effective Date. This ordinance shall take effect five (5) days from and after its passage and publication as required by law. Publication may be by summary publication of the ordinance title.

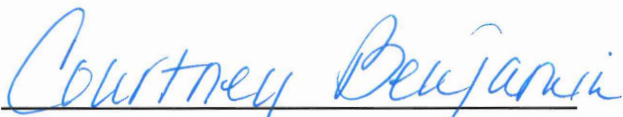
PASSED by the City Council and APPROVED by the Mayor of the City of Clyde Hill,
at a regular meeting held this 14th day of July, 2026.

CITY OF CLYDE HILL, WASHINGTON:



DEAN HACHAMOVITCH, MAYOR

ATTEST/AUTHENTICATED:



ACTING CITY CLERK, COURTNEY BENJAMIN

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY Signature on file
TOM BRUBAKER, LIGHTHOUSE LAW GROUP
CITY ATTORNEY

FILED WITH THE CITY CLERK: 7/14/26
PUBLISHED: 7/20/26
EFFECTIVE DATE: 7/25/26
ORDINANCE NO.: 1035