

Ordinance No. 119792

Council Bill No. 112969

The City of Seattle
Council Bill/Ordinance

AN ORDINANCE relating to land use and zoning, amending Sections 23.44.008 and 23.45.015 to provide for tree preservation and planting requirements in single family zones, Lowrise Duplex/Triplex zones, and Lowrise 1 and 2 zones.

11-19-99

CF No. _____

Date Introduced:	<u>OCT 18 1999</u>	
Date 1st Referred:	To: (committee)	<u>Business, Economic & Community Development Committee</u>
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote:	
<u>12-6-99</u>	<u>9-0</u>	
Date Presented to Mayor:	Date Approved:	
<u>12-7-99</u>	<u>12/13/99</u>	
Date Returned to City Clerk:	Date Published:	T.O. <input checked="" type="checkbox"/> F.T. <input checked="" type="checkbox"/>
<u>12/14/99</u>	<u>5PM</u>	
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

11-29-99 Foll

12-6-99 Foll

This file is complete and ready

Law Department

Law Dept. Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: DRAGO
Councilmember

Committee Action: (S)

11-19-99 BECD Do approve as amended 3-0

Drago

M. D. V. U. E. I.

Caperton

11-29-99 Full Council: Hold 1 week 8-0

12-6-99 Full Council: Passed As Amended (S) 9-0

This file is complete and ready for presentation to Full Council. Committee: _____

(initial/date)

Law Department

Law Dept. Review

OMP
Review

City Clerk
Review

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ORDINANCE 119792

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4 AN ORDINANCE relating to land use and zoning, amending Sections 23.44.008 and
5 23.45.015 to provide for tree preservation and planting requirements in single family
6 zones, Lowrise Duplex/Triplex zones, and Lowrise 1 and 2 zones.

7
8 WHEREAS, trees are an integral aspect of the Seattle landscape and add to the livability of
9 Seattle; and

10
11 WHEREAS, trees provide both aesthetic and economic value to property owners and the
12 community at large; and

13
14 WHEREAS, trees help to reduce stormwater run-off, moderate summer temperatures by
15 providing shading, buffer noise, stabilize slopes, provide oxygen, clean the air and
16 provide wind protection in winter; and

17
18 WHEREAS, Resolution 29647, adopted by the Council in 1997, indicates the Council's
19 interest in enhancing regulatory tools to increase protection of trees in areas
20 undergoing development;

21
22 WHEREAS, Ordinance 118821, passed by the Council in 1997, incorporated goals and
23 policies relating to tree preservation and enhancement into the City's Comprehensive
24 Plan, including the policy to "encourage the preservation and maintenance of
25 existing healthy tree cover in areas undergoing development, and consider tree
26 replacement if removal is unavoidable" (Comprehensive Plan Policy L206); and

27
28 WHEREAS, it is the intent of this ordinance to create new landscaping requirements with
29 respect to trees in single family zones and to add trees to existing landscaping
30 requirements in certain multifamily zones.

31
32 NOW THEREFORE,

33
34 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

35
36 **Section 1.** Section 23.44.008 of the Seattle Municipal Code, as last amended by
37 Ordinance 117263, is further amended by the addition of a new section I as follows:

38
39 **23.44.008 Development standards for uses permitted outright.**

40
41 ***

42 **I. Tree Requirements.**



1 1. Trees shall be required when single-family dwelling units are constructed. The
2 minimum number of caliper inches of tree required per lot may be met through using either
3 the tree preservation option or tree planting option set forth below, or through a combination
4 of preservation and planting. This requirement may be met by planting or preserving street
5 trees in the public right-of-way.

6 a. Tree preservation option. For lots over three thousand (3000) square feet, at least
7 two (2) caliper inches of existing tree per one thousand (1000) square feet of lot area must
8 be preserved. On lots that are three thousand (3000) square feet or smaller, at least three (3)
9 caliper inches of existing tree must be preserved per lot. When this option is used, a tree
10 preservation plan is required.

11 b. Tree planting option. For lots over three thousand (3000) square feet, at least two
12 (2) caliper inches of tree per one thousand (1000) square feet of lot area must be planted.
13 On lots that are three thousand (3000) square feet or smaller, at least three (3) caliper inches
14 of tree must be planted per lot.

15 2. **Tree measurements.** Trees planted to meet the requirements in 1) above shall be at
16 least one and one-half (1.5) inches in diameter. The diameter of new trees shall be measured
17 (in caliper inches) six (6)-inches above the ground. Existing trees shall be measured four
18 and one-half (4.5) feet above the ground. When an existing tree is three (3) to ten (10)
19 inches in diameter, each one (1)-inch counts as one (1) inch toward meeting the tree
20 requirements in 1) above. When an existing tree is more than ten (10) inches in diameter,
21 each one (1)-inch of the tree that is over ten (10) inches shall count as three (3) inches
22 toward meeting the tree requirement.

23 3. **Tree preservation plans.** If the tree preservation option is chosen, a tree preservation
24 plan must be submitted and approved. Tree preservation plans shall provide for protection
25 of trees during construction according to standards promulgated by the Department of
26 Design, Construction and Land Use.

27
28 **Section 2.** Section 23.45.015 of the Seattle Municipal Code, as last amended by
29 Ordinance 118409, is further amended by the addition of a new subsection C as follows:

30
31 **23.45.015 Screening and landscaping requirements – Lowrise zones.**



1
2 **C. Tree requirements in landscaped areas.**

3 1. Trees shall be required when new low-rise multi-family dwelling units are
4 constructed. This requirement may be met using options a) or b) below. The minimum
5 number of caliper inches of tree required per lot may be met through using either the tree
6 preservation option or tree planting option set forth below, or through a combination of
7 preservation and planting.

8 a. Tree preservation option. For lots over three thousand (3000) square feet, at least
9 two (2) caliper inches of existing tree per one thousand (1000) square feet of site area must
10 be preserved. On lots that are three thousand (3000) square feet or smaller, at least three (3)
11 caliper inches of existing tree must be preserved per lot. Trees within public and private
12 rights of way may not be used to meet this standard. When this option is used, a tree
13 preservation plan is required.

14 b. Tree planting option. For lots over three thousand (3000) square feet, at least two (2)
15 caliper inches of tree per one thousand (1000) square feet of site area must be planted. On
16 lots that are three thousand (3000) square feet or smaller, at least three (3) caliper inches of
17 tree must be planted per lot.

18 2. **Tree Measurements.** Trees planted to meet the requirements in 1) above shall be at
19 least one and one-half (1.5) inches in diameter. The diameter of new trees shall be measured
20 (in caliper inches) six (6) inches above the ground. Existing trees shall be measured four
21 and one-half (4.5) feet above the ground. When an existing tree is three (3) to ten (10)
22 inches in diameter, each one (1)-inch counts as one (1) inch toward meeting the tree
23 requirements in 1) above. When an existing tree is more than ten (10) inches in diameter,
24 each one (1)-inch of the tree that is over ten (10) inches shall count as three (3) inches
25 toward meeting the tree requirement.

26 **3. Tree preservation plans.** If the tree preservation option is chosen, a tree
27 preservation plan must be submitted and approved. The plan may be submitted as part of the
28 overall landscaping plan for the project. Tree preservation plans shall provide for protection
29 of trees during construction according to standards promulgated by the Department of
30 Design, Construction and Land Use.
31

1
2 **Section 3.** The Department of Design, Construction and Land Use is directed to amend,
3 as necessary, Director's Rule # 13-92 to include the new landscaping standards established
4 in this ordinance.

5
6 **Section 4.** The Department of Design, Construction and Land Use shall monitor
7 implementation of the provisions in this ordinance and submit reports to the Council
8 evaluating the effectiveness of these tree protection provisions no later than one year and
9 two years from the effective date of this ordinance.

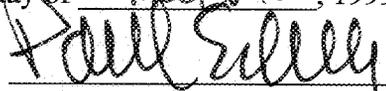
10
11 **Section 5.** The provisions of this ordinance are declared to be separate and severable. The
12 invalidity of any clause, sentence, paragraph, subdivision, section or portion of this
13 ordinance, or the invalidity of the application thereof to any person, owner or circumstance
14 shall not affect the validity of the remainder of this ordinance, or the validity of it application
15 to other persons, owners, or circumstances.

16
17 **Section 6.** This ordinance shall take effect and be in force thirty (30) days from and after its
18 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
19 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

20
21 Passed by the City Council the 6 day of December, 1999, and signed by
22 me in open session in authentication of its passage this _____ day of _____,
23 1999.

24 
25 _____
26 President of the City Council

27 Approved by me this 13th day of December, 1999.

28 
29 _____
30 Paul Schell, Mayor

31
32 Filed by me this 14th day of December, 1999.



author/cab/pml
tree ordinance
12/2/99
drago final1.doc.

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(SEAL)

Joseph E. Lepore
City Clerk





**Legislative Department
Seattle City Council
Memorandum**

Date: October 13, 1999

To: Council President Sue Donaldson

From: Councilmember Jan Drago

Subject: AN ORDINANCE relating to land use and zoning, amending Sections 23.44.008 and 23.45.015 to provide for tree preservation and planting requirements in single family zones, Lowrise Duplex/Triplex zones, and Lowrise 1 and 2 zones.

The attached ordinance includes provisions to strengthen the protection of trees in areas within the City that are undergoing development. This proposal supplements a package of recommendations that the Department of Design, Construction and Land Use (DCLU) has recently submitted to the Council for consideration.

Background

In 1997, the Council adopted a work program for the Urban Forest Coalition, an group of city departments that meets regularly to coordinate tree management issues within the City. As part of the work program, Council directed the Urban Forest Coalition "to evaluate the best means to improve regulatory efforts regarding trees and propose changes as appropriate" (Resolution 29647). In response to this Council request, DCLU convened a work group of tree stakeholders to identify possible means to enhance regulatory tools for tree protection. In part based on the work group findings, DCLU has released a set of recommendations for enhancing the protection of trees in areas undergoing development. The recommendations focus on changes in SEPA, the design review process, short plat and subdivision requirements, and allowing flexibility in setback requirements to encourage tree preservation. Legislation to accomplish these changes was also introduced today.

In 1997, the Council also adopted a number of changes to the City's Comprehensive Plan, including a policy to "encourage the preservation and maintenance of existing healthy tree cover in areas undergoing development, and consider tree replacement if removal is unavoidable" (Comprehensive Plan Policy # L206).

As I've learned more about tree protection issues, it has become clear to me that the City needs to do more to address tree protection in single family areas. Nearly 70% of the City is zoned single family yet we have virtually no regulatory protections for trees when development occurs in these areas. Recent DCLU inventories indicate that most of the vacant lots within the city are located in single family zones, and that these lots have significant tree cover.



While there are some landscaping requirements in place that encourage the retention of tree cover in multi-family and commercial zones, there is a significant gap in our regulatory scheme in that there are few, if any, protections that help to retain trees in single family areas undergoing development. The attached legislation is intended to address this gap in our current regulatory scheme. I believe the proposal is a modest first step to better protect trees in a large area of our City, and it does so while providing a great deal of flexibility to property owners and developers.

Summary of Provisions

The ordinance establishes minimum tree protection requirements for new construction in Single-Family, Lowrise Duplex/Triplex zones, and Lowrise 1 and Lowrise 2 zones. Project applicants would be required to either retain or replant a certain amount of tree cover based on the size of the lot. These requirements are shown in the following table:

**Tree Retention and/or Planting Requirements Proposed
For Single Family, LDT, L-1 and L-2 Zones**

Property Size	Minimum Amount of Tree to be Retained or Planted
Lots less than 3000 sq. ft.	3 inches of tree/1000 square feet
Lots over 3000 sq. ft	2 inches of tree/1000 square feet

There is a bonus provided in the calculation of the tree requirement when existing trees are preserved. This is accomplished by awarding more credit (in inches necessary to meet the tree requirement) to larger existing trees. When an existing tree is more than 10 inches in diameter, the proposal would allow every inch of that tree's diameter to count as 3 inches toward meeting the tree requirement.

For example, if a property owner were developing a 7000 sq. ft. lot with one 13-inch tree, he/she would be required to provide for 14 inches of tree on the lot with either new or existing trees ($2 \times 7 = 14$). The existing 13 inch tree would count as 36 inches of tree diameter toward the tree requirement ($13 \times 3 = 36$), which is more than enough to meet the standard. If this same lot had one 8-inch tree, the tree requirement would still be 14 inches. 8 inches of the requirement could be met with the existing tree. The remaining 6 inches could be made up by planting new trees.

For those projects where the tree preservation option is chosen, the applicant would be required to submit a Tree Preservation Plan as part of the project application. The ordinance sets forth the required elements of a tree preservation plan.

The ordinance directs DCLU to monitor implementation of the new tree protection measures and report to the Council evaluating their effectiveness within two years.

Public Comment

The Business, Economic and Community Development Committee (BECD) will be holding a public workshop on the DCLU proposal as well as the attached ordinance on Monday, October 25th starting at 6 PM at the Graham Visitor's Center in the



Washington Park Arboretum. This meeting will be followed by a formal public hearing in the Council Chambers on Monday, November 1st starting at 6 PM.

I look forward to working with you on these measures. If you have any questions or would like additional information, please contact my Legislative Assistant, Dan McGrady (684-8801) or Cathy Baker on Council Central Staff (684-8929).

Cc: Denna Cline, Mayor's office
Lisa Fitzhugh, Mayor's office
Cliff Marks, DCLU
Pascal St. Gerard, CBO
John Skelton, DCLU



FISCAL NOTE

Department: City Council
Contacts: Dan McGrady, 684-8801
Cathy Baker, 684-8929
CBO Analyst: Pascal St. Gerard, 4-8085
Fiscal Note Prepared by: John Skelton, DCLU 233-3883

Legislation Title:

AN ORDINANCE relating to land use and zoning, amending Sections 23.44.008 and 23.45.015 to provide for tree preservation and planting requirements in single family zones, Lowrise Duplex/Triplex zones, and Lowrise 1 and 2 zones

Summary of the Legislation: The proposed legislation would amend the single family and lowrise multifamily chapter of the Seattle Land Use Code to provide for landscaping and tree protection when new construction occurs in these zones. Property developers of new single family or lowrise multifamily structures would be required to either protect trees on site or provide for their replacement.

Background: In 1997, the Council voted to incorporate goals and policies relating to tree preservation and enhancement into the Seattle Comprehensive Plan (Policies L206, L207). The Council also adopted a work plan in Resolution 29647 to evaluate "the best means to improve regulatory efforts regarding trees and propose changes as appropriate...". In 1998, the City's Strategic Planning Office (SPO) in conjunction with the Urban Forest Work Group prepared a report entitled *Improving Tree Protection During Regulation of Property Development*. The report detailed various options for regulatory and other methods to enhance the City's ability to preserve trees. After extensive consideration, the preferred measures for development regulation to protect city trees to be incorporated into the City's Land Use Code were agreed upon by the executive and are contained in proposed legislation before Council. In addition to the proposals from the executive, Councilmember Jan Drago has proposed to add requirements for tree preservation and protection under the legislation evaluated here.

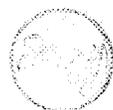
Sustainability Issues (related to grant awards): Not Applicable

Estimated Expenditure Impacts: Covered by fees

Fund	1998	1999	2000
Total			

One-time \$ _____ Ongoing \$ _____

This proposal would require all applicants of new lowrise multifamily and single family structures to first identify trees on-site and either preserve or replace those trees according to a formula based on tree size.



The fiscal implications of this new proposal derives from the fact that those projects most likely to be impacted will be single family structures in single family zones. Of the approximately 525 new single family structures and multifamily structures not otherwise subject to environmental review built per year in Seattle, DCLU anticipates that as many as 95% would choose the replacement option, or 499 projects. Additional staff time would run approximately ½ hour per project for a total of 250 additional hours of staff review annually. For the five percent of new single family dwellings and multifamily structures not otherwise subject to design review, or 26 projects, where tree preservation on-site is chosen, DCLU anticipates spending an additional 1.5 hours for plan review in these circumstances or 39 hours of additional staff time.

The proposed amendments under these additional regulatory amendments would result in 289 additional hours of staff review. These costs are in addition to those incurred by the adoption of the executive's recommendations that are under consideration at the same time as this proposed legislation and should be considered in tandem.

Estimated Revenue Impacts: See Above

Fund	1998	1999	2000
Total			

One-time \$ _____ Ongoing \$ _____

Estimated FTE Impacts: None

Fund	1998	1999	2000
Total			

Full Time _____ # Part Time _____ # TES _____

Do positions sunset in the future? If so, when? NA

Other Issues: To the extent that we will be requiring more preservation of existing trees than is currently required, there will be an increased need to visit and inspect sites during construction to ensure that trees are protected as intended. Currently, SeaTran staff does this for street tree preservation and planting. They are interested in expanding their role to review trees on-site. DCLU is exploring this issue further with SeaTran.



ORDINANCE _____

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5 23.45.015 to provide for tree preservation and planting requirements in single family
6 zones, Lowrise Duplex/Triplex zones, and Lowrise 1 and 2 zones.
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8 WHEREAS, trees are an integral aspect of the Seattle landscape and add to the livability of
9 Seattle; and
10

11 WHEREAS, trees provide both aesthetic and economic value to property owners and the
12 community at large; and
13

14 WHEREAS, trees help to reduce stormwater run-off, moderate summer temperatures by
15 providing shading, buffer noise, stabilize slopes, provide oxygen, clean the air and
16 provide wind protection in winter; and
17

18 WHEREAS, Resolution 29647, adopted by the Council in 1997, indicates the Council's
19 interest in enhancing regulatory tools to increase protection of trees in areas
20 undergoing development;
21

22 WHEREAS, Ordinance 118821, passed by the Council in 1997, incorporated goals and
23 policies relating to tree preservation and enhancement into the City's Comprehensive
24 Plan, including the policy to "encourage the preservation and maintenance of
25 existing healthy tree cover in areas undergoing development, and consider tree
26 replacement if removal is unavoidable" (Comprehensive Plan Policy L206); and
27

28 WHEREAS, it is the intent of this ordinance to create new landscaping requirements with
29 respect to trees in single-family zones and to add trees to existing landscaping
30 requirements in certain multi-family zones.
31

32 **NOW THEREFORE,**
33

34 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**
35

36 **Section 1.** Section 23.44.008 of the Seattle Municipal Code, as last amended by
37 Ordinance 117263, is further amended as follows:
38

39 **23.44.08 Development standards for uses permitted outright.**
40

41 ***
42

43 **I. Tree Requirements.**

44 1. Trees shall be required for construction of new single-family dwelling units. This
45 requirement may be met using options a) or b) below. The minimum number of caliper
inches of tree required per lot may be met through using either the tree preservation option

1 or tree planting option set forth below, or through a combination of preservation and
2 planting.

3 a) Tree preservation option. For lots over 3000 square feet, at least 2 caliper inches of
4 existing tree per 1000 square feet of lot area must be preserved. On lots that are 3000
5 square feet or smaller, at least 3 caliper inches of existing tree must be preserved per lot.
6 Trees within public and private rights of way may not be used to meet this standard. When
7 this option is used, a tree preservation plan is required.

8 b) Tree planting option. For lots over 3000 square feet, at least 2 caliper inches of tree per
9 1000 square feet of site area must be planted. On lots that are 3000 square feet or smaller, at
10 least 3 caliper inches of tree must be planted per lot.

11 **2. Tree measurements.** The diameter of new trees shall be measured (in caliper inches)
12 six-inches above the ground. Existing trees shall be measured 4.5 feet above the ground.
13 When an existing tree is 3 to 10 inches in diameter, each 1-inch counts as 1 inch toward
14 meeting the tree requirements in 1) above. When an existing tree is more than 10 inches in
15 diameter, each 1-inch counts as 3 inches toward meeting the tree requirement.

16 **3. Tree preservation plans.** If the tree preservation option is chosen, a tree preservation
17 plan must be submitted and approved. At a minimum, the following protection measures
18 shall be included in tree preservation plans:

19 a) Construction fencing. A construction fence must be placed around each tree at the
20 edge of the root protection zone.

21 b) Development limitations. Within the root protection zone of each tree, the following
22 development is not allowed:

23 i. New buildings;

24 ii. Grade change or cut and fill during construction;

25 iii. New impervious surfaces;

26 iv. Utility or drainage field placement;

27 v. Staging or storing of materials and equipment during construction; and

28 vi. Vehicle maneuvering areas during construction.

29 **4. Root Protection Zone.** For the purposes of this section, the root protection zone is a
30 circular area around a tree that is based on the diameter of the tree, with each one-inch of
31 tree diameter equaling a one-foot radius of the root protection zone.

- 1 i. New buildings;
- 2 ii. Grade change or cut and fill during construction;
- 3 iii. New impervious surfaces;
- 4 iv. Utility or drainage field placement;
- 5 v. Staging or storing of materials and equipment during construction; and
- 6 vi. Vehicle maneuvering areas during construction.

7 **4. Root Protection Zone.** For the purpose of this section, the root protection zone is a
8 circular area around a tree that is based on the diameter of the tree, with each one-inch of
9 tree diameter equaling one-foot of radius of the root protection zone.

10
11 **Section 3.** The Department of Design, Construction and Land Use shall monitor
12 implementation of the provisions in this ordinance and submit a report to the Council
13 evaluating the effectiveness of these tree protection provisions no later than ^{one and} two years from
14 the effective date of this ordinance.

15
16 **Section 4.** The provisions of this ordinance are declared to be separate and severable.
17 The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this
18 ordinance, or the invalidity of the application thereof to any person, owner or circumstance
19 shall not affect the validity of the remainder of this ordinance, or the validity of its application
20 to other persons, owners, or circumstances.

21
22 **Section 5.** This ordinance shall take effect and be in force thirty (30) days from and after its
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author/cab
tree ordinance
10/13/99
V # 4

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approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 1999, and signed by me in open session in authentication of its passage this _____ day of _____, 1999.

President of the City Council

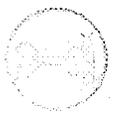
Approved by me this _____ day of _____, 1999.

Paul Schell, Mayor

Filed by me this _____ day of _____, 19____.

City Clerk

(SEAL)



ORDINANCE

AN ORDINANCE relating to land use and zoning, amending Sections 23.44.008 and 23.45.015 to provide for tree preservation and planting requirements in single family zones, Lowrise Duplex/Triplex zones, and Lowrise 1 and 2 zones.

WHEREAS, trees are an integral aspect of the Seattle landscape and add to the livability of Seattle; and

WHEREAS, trees provide both aesthetic and economic value to property owners and the community at large; and

WHEREAS, trees help to reduce stormwater run-off, moderate summer temperatures by providing shading, buffer noise, stabilize slopes, provide oxygen, clean the air and provide wind protection in winter; and

WHEREAS, Resolution 29647, adopted by the Council in 1997, indicates the Council's interest in enhancing regulatory tools to increase protection of trees in areas undergoing development;

WHEREAS, Ordinance 118821, passed by the Council in 1997, incorporated goals and policies relating to tree preservation and enhancement into the City's Comprehensive Plan, including the policy to "encourage the preservation and maintenance of existing healthy tree cover in areas undergoing development, and consider tree replacement if removal is unavoidable" (Comprehensive Plan Policy L206); and

WHEREAS, it is the intent of this ordinance to create new landscaping requirements with respect to trees in single family zones and to add trees to existing landscaping requirements in certain multifamily zones.

NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.44.008 of the Seattle Municipal Code, as last amended by Ordinance 117263, is further amended by the addition of a new section I as follows:

23.44.008 Development standards for uses permitted outright.

I. Tree Requirements.



1 **1.** Trees shall be required when single-family dwelling units are constructed. The
2 minimum number of caliper inches of tree required per lot may be met through using either
3 the tree preservation option or tree planting option set forth below, or through a combination
4 of preservation and planting. This requirement may be met by planting or preserving street
5 trees in the public right-of-way.

6 a. Tree preservation option. For lots over three thousand (3000) square feet, at least
7 two (2) caliper inches of existing tree per one thousand (1000) square feet of lot area must
8 be preserved. On lots that are three thousand (3000) square feet or smaller, at least three (3)
9 caliper inches of existing tree must be preserved per lot. When this option is used, a tree
10 preservation plan is required.

11 b. Tree planting option. For lots over three thousand (3000) square feet, at least two
12 (2) caliper inches of tree per one thousand (1000) square feet of lot area must be planted.
13 On lots that are three thousand (3000) square feet or smaller, at least three (3) caliper inches
14 of tree must be planted per lot.

15 **2. Tree measurements.** Trees planted to meet the requirements in 1) above shall be at
16 least one and one-half (1.5) inches in diameter. The diameter of new trees shall be measured
17 (in caliper inches) six (6)-inches above the ground. Existing trees shall be measured four
18 and one-half (4.5) feet above the ground. When an existing tree is three (3) to ten (10)
19 inches in diameter, each one (1)-inch counts as one (1) inch toward meeting the tree
20 requirements in 1) above. When an existing tree is more than ten (10) inches in diameter,
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31 **23.45.015 Screening and landscaping requirements – Lowrise zones.**

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4 constructed. This requirement may be met using options a) or b) below. The minimum
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21 and one-half (4.5) feet above the ground. When an existing tree is three (3) to ten (10)
22 inches in diameter, each one (1)-inch counts as one (1) inch toward meeting the tree
23 requirements in 1) above. When an existing tree is more than ten (10) inches in diameter,
24 each one (1)-inch of the tree that is over ten (10) inches shall count as three (3) inches
25 toward meeting the tree requirement.

26 4. **Tree preservation plans.** If the tree preservation option is chosen, a tree
27 preservation plan must be submitted and approved. The plan may be submitted as part of the
28 overall landscaping plan for the project. Tree preservation plans shall provide for protection
29 of trees during construction according to standards promulgated by the Department of
30 Design, Construction and Land Use.

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Section 3. The Department of Design, Construction and Land Use is directed to amend, as necessary, Director's Rule # 13-92 to include the new landscaping standards established in this ordinance.

Section 4. The Department of Design, Construction and Land Use shall monitor implementation of the provisions in this ordinance and submit a report to the Council evaluating the effectiveness of these tree protection provisions no later than two years from the effective date of this ordinance.

Section 5. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person, owner or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons, owners, or circumstances.

Section 6. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 1999, and signed by me in open session in authentication of its passage this _____ day of _____, 1999.

President of the City Council

Approved by me this _____ day of _____, 1999.

Paul Schell, Mayor

Filed by me this _____ day of _____, 19____.

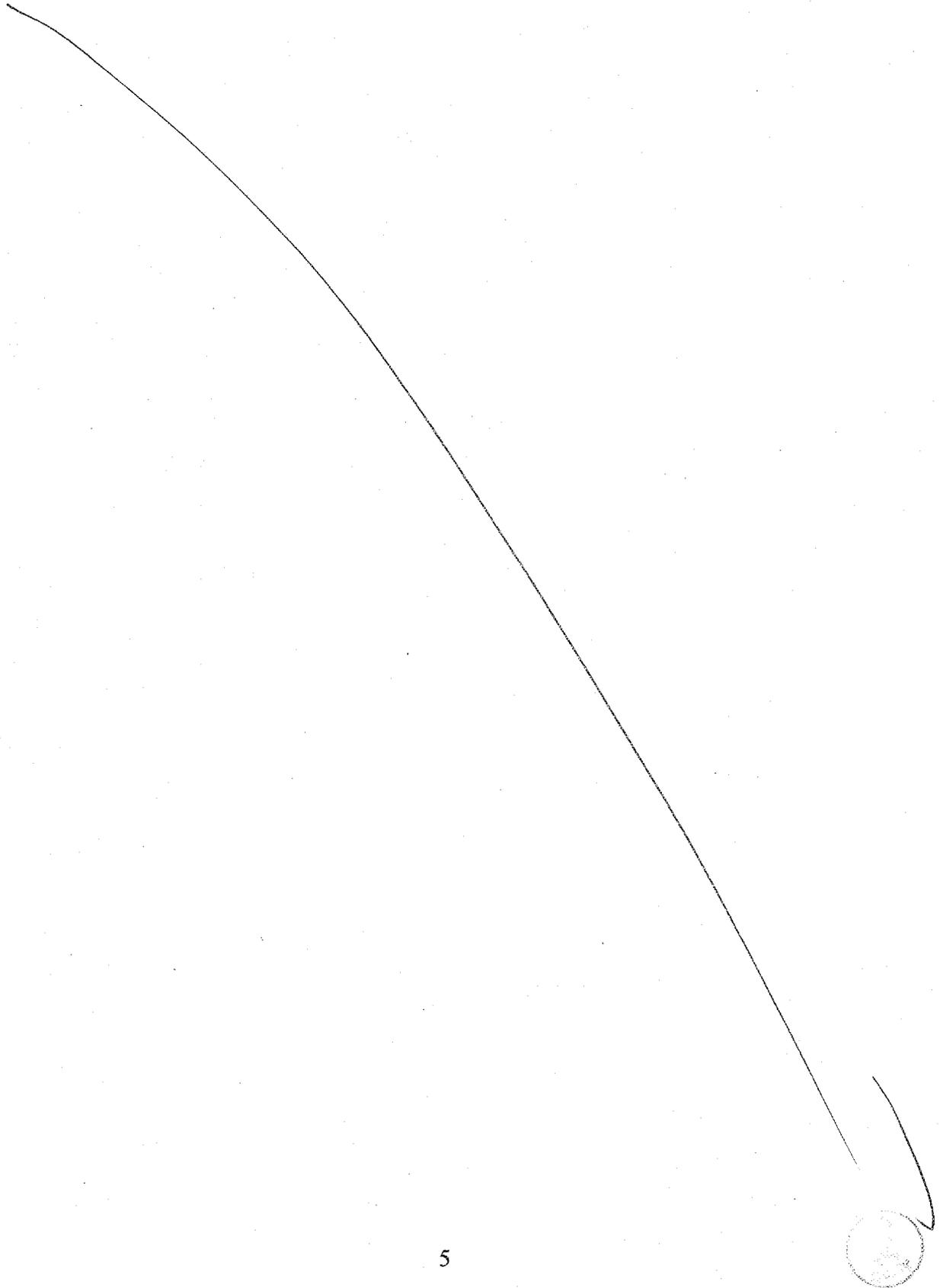


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City Clerk

(SEAL)



STATE OF WASHINGTON - KING COUNTY

113182

City of Seattle, City Clerk

-ss.

No.

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:119792 ORD IN FUL

was published on

12/23/99

The amount of the fee charged for the foregoing publication is the sum of \$, which amount has been paid in full.

Subscribed and sworn to before me on

12/23/99

Notary Public for the State of Washington, residing in Seattle

TI. AND DATE STAMP

SPONSORSHIP

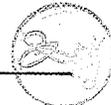
THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

Jan Perry

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

PRESIDENT'S SIGNATURE



City of Seattle

ORDINANCE 118782

AN ORDINANCE relating to land use and zoning, amending sections 23.44.008 and 23.45.015 to provide for tree preservation and planting requirements in single family zones, Lowrise Duplex/Triplex zones, and Lowrise 1 and 2 zones.

WHEREAS, trees are an integral aspect of the Seattle landscape and add to the livability of Seattle; and

WHEREAS, trees provide both aesthetic and economic value to property owners and the community at large; and

WHEREAS, trees help to reduce storm-water run-off, moderate summer temperatures by providing shading, buffer noise, stabilize slopes, provide oxygen, clean the air and provide wind protection in winter; and

WHEREAS, Resolution 29547, adopted by the Council in 1997, indicates the Council's interest in enhancing regulatory tools to increase protection of trees in areas undergoing development;

WHEREAS, Ordinance 118921, passed by the Council in 1997, incorporated goals and policies relating to tree preservation and enhancement into the City's Comprehensive Plan, including the policy to "encourage the preservation and maintenance of existing healthy tree cover in areas undergoing development, and consider tree replacement if removal is unavoidable" (Comprehensive Plan Policy L206); and

WHEREAS, it is the intent of this ordinance to create new landscaping requirements with respect to trees in single family zones and to add trees to existing landscaping requirements in certain multifamily zones.

NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

SECTION 1. Section 23.44.008 of the Seattle Municipal Code, as last amended by Ordinance 117263, is further amended by the addition of a new section 1 as follows:

23.44.008 DEVELOPMENT STANDARDS FOR USES PERMITTED OUTRIGHT

I. TREE REQUIREMENTS

1. Trees shall be required when single-family dwelling units are constructed. The minimum number of caliper inches of trees required per lot may be met through using either the tree preservation option or tree planting option set forth below, or through a combination of preservation and planting. This requirement may be met by planting or preserving street trees in the public right-of-way.

a. Tree preservation option. For lots over three thousand (3000) square feet, at least two (2) caliper inches of existing tree per one thousand (1000) square feet of lot area must be preserved. On lots that are three thousand (3000) square feet or smaller, at least three (3) caliper inches of existing tree must be preserved per lot. When this option is used, a tree preservation plan is required.

b. Tree planting option. For lots over three thousand (3000) square feet, at least two (2) caliper inches of tree per one thousand (1000) square feet of lot area must be planted. On lots that are three thousand (3000) square feet or smaller, at least three (3) caliper inches of tree must be planted per lot.

2. TREE MEASUREMENTS. Trees planted to meet the requirements in 1) above shall be at least one and one-half (1.5) inches in diameter. The diameter of new trees shall be measured (in caliper inches) six (6) inches above the ground. Existing trees shall be measured four and one-half (4.5) feet above the ground. When an existing tree is three (3) to ten (10) inches in diameter, each one (1) inch counts as one (1) inch toward meeting the tree requirements in 1) above. When an existing tree is more than ten (10) inches in diameter, each one (1) inch of the tree that is over ten (10) inches shall count as three (3) inches toward meeting the tree requirement.

3. TREE PRESERVATION PLANS. If the tree preservation option is chosen, a tree preservation plan must be submitted and approved. Tree preservation plans shall provide for protection of trees during construction according to standards promulgated by the Department of Design, Construction and Land Use.

SECTION 2. Section 23.45.015 of the Seattle Municipal Code, as last amended by Ordinance 118403, is further amended by