

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to tree protections; modifying regulations to increase retention of trees on lots undergoing development; and amending Sections 25.11.060, 25.11.070, and 25.11.130 of the Seattle Municipal Code.

..body

WHEREAS, Seattle’s urban forest contains many large trees of exceptional benefit and value, including the existence of previously unidentified culturally modified trees, a category of archaeological resource of particular importance to the Indigenous peoples who have resided in the Puget Sound area, including the entirety of the land area of The City of Seattle since time immemorial; and

WHEREAS, real estate development must comply with State Law, including chapter 27.53 of the Revised Code of Washington regarding archeological sites and resources, as well as consultation obligations with Tribal governments to protect culturally modified trees and other Tribal archeological sites; and

WHEREAS, Resolution 31902 states that “a healthy urban forest growing on public and private land promotes a clean, healthy, resilient, and safe environment in the places where people live, learn, work, and play, and reinforces Seattle’s identity and legacy as a forested, livable city”; and

WHEREAS, Resolution 31902 also states that “The City of Seattle values the important services the urban forest provides to all in Seattle, such as increasing resiliency to climate change, managing stormwater runoff and erosion, enhancing public health, by cleaning our air and water, cooling riparian corridors, mitigating the heat island effect, and improving our shoreline and other wildlife habitat...”; and

1 WHEREAS, appropriate infill site planning allows for the construction of additional “middle
2 housing” (RCW 36.70A.030) while retaining substantial existing large trees to provide
3 numerous public health and environmental benefits that can take many years to replace if
4 removed; and

5 WHEREAS, the City Council passed Council Bill 120534 on May 23, 2023, by a vote of six to
6 one, and Mayor Bruce Harrell signed it into law on May 31, 2023, to become Ordinance
7 126821, “AN ORDINANCE relating to tree protection;” and

8 WHEREAS, amendments in this ordinance to Seattle Municipal Code Chapter 25.11 were either
9 previously analyzed as part of the Determination of Nonsignificance for Ordinance
10 126821 or are exempt from State Environmental Policy Act review; NOW,

11 THEREFORE,

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

13 Section 1. Section 25.11.060 of the Seattle Municipal Code, enacted by Ordinance
14 126821, is amended as follows:

15 **25.11.060 Requirements for trees when development is proposed**

16 * * *

17 E. Prior to approving the removal of any Tier 2 or Tier 3 tree, the Director shall: (1)
18 notify the Washington State Department of Archaeology and Historic Preservation (DAHP) of
19 the requested tree removal; and (2) receive confirmation from DAHP whether the tree is part of
20 an archaeological site. If the tree is not part of an archaeological site, the Director may approve
21 the removal of the tree. If an archaeological site would be impacted by the removal of the tree,
22 and the applicant wants to proceed with the impact of the archaeological site, the applicant is

1 responsible for obtaining approval for its removal from DAHP prior to the Director approving
2 the removal of any such tree.

3 Section 2. Section 25.11.070 of the Seattle Municipal Code, enacted by Ordinance
4 126821, is amended as follows:

5 **25.11.070 Tree protection on sites undergoing development in Neighborhood Residential,**
6 **Lowrise, Midrise, commercial, and Seattle Mixed zones**

7 A. Neighborhood Residential zones

8 1. Tier 2 trees may be removed only if:

9 a. The maximum lot coverage permitted on the site pursuant to Title 23
10 cannot be achieved without extending into the basic tree protection area or into a required front
11 and/or rear yard to an extent greater than provided for in subsection 25.11.070.A.2;

12 b. Avoiding development in the basic tree protection area would result in a
13 portion of a principal dwelling unit, or an accessory dwelling unit, being less than 15 feet in
14 width; or

15 c. Tree removal is necessary for the construction of new structures, vehicle
16 and pedestrian access, utilities, retaining wall, or other similar improvements associated with
17 development.

18 2. Permitted extension into front or rear yards shall be limited to an area equal to
19 the amount of the basic tree protection area not located within required yards. The maximum
20 projection into the required front or rear yard shall be 50 percent of the yard requirement.

21 3. If the maximum lot coverage permitted on the site can be achieved without
22 extending into required front and/or rear yards, then no such extension into required yards shall
23 be permitted.

1 4. Tier 2 trees shall not be removed for off-street parking. If required off-street
2 parking would result in the removal of a Tier 2 tree, any such parking requirement of Title 23
3 will be waived.

4 ~~((4))~~ 5. For the purposes of this subsection 25.11.070.A:

5 a. Lot coverage calculation shall not include any portion of a parcel
6 containing a biodiversity area or corridor, riparian corridor, priority habitat, priority area setback,
7 wetland, wetland buffer, or steep slope erosion hazard area, unless the Director has approved
8 critical areas reduction, waiver, or modification pursuant to Chapter 25.09; and

9 b. The basic tree protection area ~~((cannot))~~ may be ((modified)) reduced
10 by the Director pursuant to subsection 25.11.060.A.4.

11 * * *

12 Section 3. Section 25.11.130 of the Seattle Municipal Code, last amended by Ordinance
13 126821, is amended as follows:

14 **25.11.130 Definitions**

15 * * *

16 “Culturally modified tree” means a tree that has been determined by the Washington
17 State Department of Archaeology and Historic Preservation to be an archaeological site or part of
18 one subject to requirements of chapter 27.53 RCW.

19 * * *

20 “Tree protection area, basic” means the area surrounding a tree in which excavation and
21 other construction-related activities must be avoided unless approved by the Director. This area
22 is delineated using either the drip line of a tree, which may be irregular in shape to reflect

1 variation in branch outer limits, or a radius that is equal to one foot for every inch DSH of the
2 tree, whichever delineation is more likely to promote the retention of trees during development.

3 * * *

1 Section 4. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the _____ day of _____, 2023,
5 and signed by me in open session in authentication of its passage this _____ day of
6 _____, 2023.

7 _____
8 President _____ of the City Council

9 Approved / returned unsigned / vetoed this ____ day of _____, 2023.

10 _____
11 Bruce A. Harrell, Mayor

12 Filed by me this _____ day of _____, 2023.

13 _____
14 Scheereen Dedman, City Clerk

15 (Seal)