

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to land use and tree protection regulations; amending Sections, 22.900C.010 and 23.44.008 and repealing and replacing Chapter 25.11.

..body

WHEREAS, 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, the City’s Equity and Environment Initiative is a call to action for the City to develop more inclusive environmental programs, including place-based and culturally-based strategies, to not only increase tree canopy cover but also to more equitably distribute the benefits that trees bring; and

WHEREAS, the City values the important services the urban forest provides to all in Seattle including but not limited to increasing resiliency to climate change, managing stormwater runoff and erosion, enhancing public health, cooling riparian corridors, improving our shoreline and other wildlife habitat, enhancing beauty and culture; and

WHEREAS, the City seeks to balance their stated goals of protecting, maintaining and enhancing the urban forest as stated in the 2013 Seattle Urban Forest Stewardship Plan while supporting future growth and density as provided in the City’s Comprehensive Plan and by other City actions taken in support of the Growth Management Act; NOW,

THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 22.900C.010 of the Seattle Municipal Code, which section was last amended by Ordinance 125451, is amended as follows:

22.900C.010 Land use fees.

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Table C-1 for 22.900C.010—LAND USE FEES

A. MASTER USE PERMIT, ENVIRONMENTAL CRITICAL AREAS, CITY COUNCIL, and HEARING EXAMINER APPROVALS

Hours worked beyond those covered by minimum will be charged the Land Use hourly rate, unless otherwise noted, and are payable at time of invoice.

Type of Land Use Review	Minimum Fee
General—first 10 hours of review	Land Use Hourly × 10
Low-Income Housing—first 24 hours of review ¹	Land Use Hourly × 10

1. Administrative conditional uses (ACUs)
 ACUs for community centers, child care centers, adult care centers, private schools, religious facilities, and public and private libraries in single-family and multi-family zones shall be charged a minimum fee of \$1,840 for the first 20 hours. Additional hours shall be charged at the rate of \$324 an hour. This exception applies if the application is for an ACU only, or an ACU combined with a variance application.

2. Design Review
 The minimum fee for Administrative Design Review, Master Planned Community Design Review and Streamlined Design Review is \$3,240. The minimum fee for full Design Review is \$6,480, which covers the first 20 hours of review. Refer to subsection 15 of this Table C-1 for 22.900C.010 for fees related to Design Review for Tree Protection.

3. Environmental reviews (SEPA), including projects with more than one addressed site.

4. Environmentally critical areas (ECA)

a. Environmentally Critical Areas variance ²

b. ECA Exception

c. Environmentally Critical Areas Administrative Conditional Use

5. Shoreline permits

a. Substantial development permits

b. Variances ² and conditional uses	
6. Short subdivisions ³ ; refer to subsection 10 of Table D-2 for 22.900D.010 for additional fees that may apply to this permit type	
7. Special exceptions	
8. Variances ² Variances for community centers, child care centers, adult care centers, private schools, religious facilities, and public and private libraries in single-family and multi-family zones shall be charged a minimum fee of \$1,840 for the first 20 hours. Additional hours shall be charged at the rate of \$324 an hour. This exception applies if the application is for a variance only, or a variance combined only with an ACU application.	
9. Type II land use approvals such as, but not limited to, planned community/residential development, major phased developments and other Type II approvals that are not categorized otherwise in this Table C-1 for 22.900C.010.	
10. The minimum fee for Council conditional uses, Rezones, Public Projects, and all other Type IV and Type V land use approvals shall be \$6,480, which covers the first 20 hours of review.	
11. Full subdivisions ⁴ ; refer to subsection 10 of Table D-2 for 22.900D.010 for additional fees that may apply to this permit type	
12. Reserved	
13. Reserved	
B. MISCELLANEOUS HOURLY LAND USE REVIEWS, RESEARCH, AND OTHER SERVICES	
Hours worked beyond those covered by minimum will be charged the Land Use hourly rate, unless otherwise noted, and payable at time of invoice.	
Type of Land Use Review	Minimum Land Use Review Fee
14. Concurrency	Reserved

15. Design Review for Tree Protection ⁵	
a. Design review required by Section 25.11.070 or Section 25.11.080 to protect exceptional tree if no other land use reviews are required	Land Use Hourly × 10
b. Design review elected by applicant for tree protection	Land Use Hourly × 10
16. Other Environmentally Critical Area (ECA) Review, inspection, and site visit under Chapter 25.09 or Chapter 23.60A, including but not limited to:	Land Use Hourly × 1
a. ECA review for Wetlands, Fish, & Wildlife Habitat Conservation Areas on land use or construction permits shall be charged on an hourly basis	
b. Review to determine Environmentally Critical Area exemption for Wetlands and Riparian Corridor and Shoreline ECAs shall be charged on an hourly basis	
c. Other miscellaneous ECA reviews, inspections, or site visits as required by code or as a condition of approval shall be charged on an hourly basis	
17. Early design guidance	Land Use Hourly × 10
18. Establishing use for the record: Refer to subsection 9 of Table D-2 for 22.900D.010 for additional fees that may apply to this permit type	Land Use Hourly × 2
19. Extensions of Type IV Council Land Use Decisions	Land Use Hourly × 2
20. Land Use Code Interpretations ⁶	Land Use Hourly × 10
21. Letters for detailed zoning analysis or permit research	Land Use Hourly × 4
22. Lot Boundary Adjustment, Temporary Use > 4 weeks; refer to subsection 10 of Table D-2 for 22.900D.010 for additional fees that may apply to this permit type	Land Use Hourly × 5

23. Major Institution - review of annual plan	Land Use Hourly × 6
24. Major phased development permit - minor amendment	Land Use Hourly × 2
25. Neighborhood planning	Reserved
26. Noise survey review and variance	See Table F-2 for 22.900F.020 Noise Fees
27. Open space remainder lots and surplus state property	Land Use Hourly × 4
28. Pre-application conference ⁷	Land Use Hourly × 2
29. Property Use and Development Agreement (PUDA) - minor amendment	Land Use Hourly × 2
30. Public benefit feature review	Land Use Hourly × 2
31. Renewals	Land Use Hourly × 2
32. Revisions other than shoreline revisions	Land Use Hourly × 1
33. School use and school development advisory committee reviews	Land Use Hourly × 10
34. Shoreline exemptions	Land Use Hourly × 1
35. Shoreline permit revisions not due to required conditions	Land Use Hourly × 2
36. Special accommodation	Land Use Hourly × 2
37. Structural building overhangs and areaways as a separate component	Land Use Hourly × 2
38. Tree and Vegetation Restoration Review in ECA above minimum threshold where SEPA is not required other than for the restoration (subsection 25.09.070.E.1.b)	Land Use Hourly × 2
39. Street Improvement Exceptions on a Land Use permit	Land Use Hourly × 2
40. Hazardous Tree Removal	Land Use Hourly × 1
C. NON-HOURLY LAND USE FEES	
Type of Land Use Review	Fee
41. Curb cuts as a separate component	

a. Single-family residential	\$88.35 each
b. Other than single-family residential	\$174.70 each
42. File Management	SDCI Base Fee × 1
a. Placing projects on hold at applicant request	
b. Splitting or combining projects	
43. Intake appointments for land use reviews; fee is charged for each occurrence	SDCI Base Fee × 1
44. Notice. All notice is charged based upon type for each occurrence. ⁸	
a. Land use information bulletin (GMR notice)	SDCI Base Fee × 1
b. Posting large sign or placards	\$133.60
c. Mailed notice	SDCI Base Fee per 500 pieces of mail or portions thereof
d. DJC decision publication	\$209.60
e. Neighborhood newspaper publication	Rate charged by newspaper
f. Public meeting room rental	\$134.60
45. Rebuild Letters	
a. With Research	SDCI Base Fee × 1
b. Without Research	\$45.20
46. Records research by the Public Resource Center	SDCI Base Fee × 1
47. Recording Fees, for LBA, Short Subdivision	Rate charged by King County ⁹
48. Shoreline Extensions	SDCI Base Fee × 1
49. <u>Tree permit review outside ECA</u>	<u>Minor tree removal permit</u> <u>\$XXX</u>

	<u>Major tree removal permit</u> <u>\$XXX</u>
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Footnotes to Table C-1 for 22.900C.010:

¹ For purposes of these land use fees, low-income housing is housing that both (1) satisfies the definition of "housing, low income" in Section 23.84A.016; and (2) where at least 50 percent of the total gross floor area of each structure on the site is committed to low-income housing use for at least 20 years.

² The single variance fee shall be applicable whether the project requires one or multiple variances.

³ Includes short subdivisions in environmentally critical areas.

⁴ Includes unit-lot subdivisions and full subdivisions in environmentally critical areas.

⁵ This fee applies if design review is initiated only for tree protection and the application has no other review under Items 1—14.

⁶ The fees for interpretations of Chapters 25.12, 25.16, 25.20, 25.21, 25.22, 25.24, and 25.30 shall be collected by the Director of the Department of Neighborhoods.

⁷ The pre-application conference fee covers a one-hour conference and one hour of research and/or follow-up review time that normally occurs, for a total of two hours. Additional pre-application review time will be charged at the Land Use hourly rate. See also subsection 22.900C.010.E.

⁸ Additional notice may be given in circumstances including but not limited to the following: reinstallation of environmental review signs; reposting of the land use review or environmental signs; new component reviews added subsequent to the original notice; revised decisions; and changes to the scope of the project.

⁹ Recording fees will be charged the current rate as established and charged by King County at the time of document recording.

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1 Section 2. Section 23.48.008 of the Seattle Municipal Code, last amended by Ordinance
2 124105, is amended as follows:

3 **23.44.008 Development standards for uses permitted outright.**

4 A. The development standards set out in this subchapter apply to principal and accessory
5 uses permitted outright in single-family zones.

6 B. All structures or uses shall be built or established on a lot or lots.

7 C. Floating homes are subject to the provisions of Chapter 23.60A, Shoreline District,
8 and are also subject to the parking provisions of this Section 23.44.008.

9 D. An exception from one specific standard does not relieve the applicant from
10 compliance with any other standard.

11 E. Methods for measurements are provided in Chapter 23.86. Standards for parking
12 access and design are provided in Chapter 23.54.

13 F. Except for a detached accessory dwelling unit, any structure occupied by a permitted
14 use other than single-family residential use may be converted to single-family residential use
15 even if the structure does not conform to the development standards for single-family structures.
16 Expansions of converted nonconforming structures are regulated by Section 23.42.108.
17 Conversion of structures occupied by nonconforming uses are regulated by Sections 23.42.108
18 and 23.42.110.

19 G. Development standards governing lots containing an environmentally critical area or
20 buffer may be modified according to the provisions of Chapter 25.09.

21 H. Exterior lighting shall be shielded and directed away from residentially zoned lots.
22 The Director may require that the intensity of illumination be limited and that the location of the
23 lighting be changed.

24 ~~((I. Tree Requirements.~~

25 ~~1. Trees are required when single family dwelling units are constructed. The~~
26 ~~minimum number of caliper inches of tree required per lot may be met by using either the tree~~
27 ~~preservation option or tree planting option described in subsections 23.44.008.I.1.a. or I.1.b., or~~

1 ~~by a combination of preservation and planting. This requirement may be met by planting or~~
2 ~~preserving street trees in the public right of way. Submerged land shall not be included in~~
3 ~~calculating lot area for purposes of either the tree preservation option or tree planting option.~~

4 ~~a. Tree Preservation Option. For lots over 3,000 square feet, at least 2~~
5 ~~caliper inches of existing tree per 1,000 square feet of lot area must be preserved. On lots that are~~
6 ~~3,000 square feet or smaller, at least 3 caliper inches of existing tree must be preserved per lot.~~

7 ~~When this option is used, a tree preservation plan is required.~~

8 ~~b. Tree Planting Option. For lots over 3,000 square feet, at least 2 caliper~~
9 ~~inches of tree per 1,000 square feet of lot area must be planted. On lots that are 3,000 square feet~~
10 ~~or smaller, at least 3 caliper inches of tree must be planted per lot.~~

11 ~~2. Tree Measurements. Trees planted to meet the requirements in subsection~~
12 ~~23.44.008.I.1 shall be at least 1.5 inches in diameter. The diameter of new trees shall be~~
13 ~~measured (in caliper inches) 6 inches above the ground. Existing trees shall be measured 4.5 feet~~
14 ~~above the ground. When an existing tree is 3 to 10 inches in diameter, each 1 inch counts as 1~~
15 ~~inch toward meeting the tree requirements in subsection 23.44.008.I.1. When an existing tree is~~
16 ~~more than 10 inches in diameter, each 1 inch of the tree that is over 10 inches shall count as 3~~
17 ~~inches toward meeting the tree requirement.~~

18 ~~3. Tree Preservation Plans. If the tree preservation option is chosen, a tree~~
19 ~~preservation plan must be submitted and approved. Tree preservation plans shall provide for~~
20 ~~protection of trees during construction according to standards promulgated by the Director.))~~

21
22 ***

23 Section 3. Chapter 25.11 of the Seattle Municipal Code, last amended by Ordinance
24 125603, is repealed as shown in Exhibit A.

25 Section 4. A new Chapter 25.11, Tree Regulations, is added to Title 25 of the Seattle
26 Municipal Code, as follows:

1 **25.11.010 Purpose and intent.**

2 It is the purpose and intent of this chapter to regulate and mitigate the removal of significant
3 trees and to protect significant trees from impacts of development. This is consistent with the
4 goals of protecting and enhancing the health, safety, environment, and general welfare of the
5 people of the city of Seattle because trees provide substantial economic, social, and
6 environmental benefits including enhanced public health, stormwater retention, wildlife habitat,
7 pollution reduction, climate change mitigation, erosion control, shading, wind protection, and
8 aesthetic beauty. This Chapter 25.11 is also intended to help meet the City of Seattle’s canopy
9 cover goals as established as policy in the City’s Comprehensive Plan and as guidance in the
10 Urban Forest Stewardship Plan.

11 **25.11.020 Exemptions.**

12 The following actions are exempt from obtaining approval as required in this chapter:

- 13 A. Emergency actions as provided in Section 25.11.030;
- 14 B. Removal of significant tree(s) undertaken as part of tree and vegetation management
15 and revegetation of public parks and open spaces by responsible public agencies or departments;
- 16 C. Removal of significant tree(s) approved as part of an Environmentally Critical Area
17 revegetation plan as provided in Section 25.09.030;
- 18 D. Removal of street trees as regulated by Chapter 15.43 of the SMC;
- 19 E. Removal of significant tree(s) as part of tree maintenance and removal conducted by
20 Seattle City Light to maintain power lines; and
- 21 E. Normal and routine pruning operations and maintenance using the ANSI A300
22 standards and ISA best management practices for proper pruning.

23 **25.11.030 Emergency actions.**

24 Emergency actions defined in Section 25.11.190 may be undertaken without obtaining a permit
25 or other SDCI approval if a tree has an extreme risk rating using the International Society of
26 Arborists Tree Risk Assessment Qualification (TRAQ) method in its most current form. Any
27 person undertaking an emergency action shall:

1 A. Notify the Director via e-mail within one business day following commencement of
2 the emergency action and

3 B. Complete the applicable significant tree removal application under Section 25.11.090
4 within one week of the emergency action and post the application in accord with subsection
5 25.11.090.C.

6 **25.11.040 Approval required.**

7 Except as provided in Section 25.11.020, it shall be unlawful for any person to cut down or
8 remove any significant tree without first obtaining approval as required in this chapter. Approval
9 may take the form of a tree removal permit or it may be included with another SDCI approval.
10 There are two types of tree removal permits, major and minor, provided in Section 25.11.180.

11 **25.11.050 Reserved.**

12 **25.11.060 Hazard tree risk assessment.**

13 A. Hazard trees are trees assessed by a qualified arborist as having a high risk rating
14 using the International Society of Arborists Tree Risk Assessment Qualification (TRAQ) method
15 in its most current form.

16 B. Steps in the TRAQ method in developing a tree risk rating include the following:

- 17 1. Identify possible targets and estimate occupancy rate;
- 18 2. Inspect tree and identify tree parts that could fail and strike targets (referred to
19 as failure mode);
- 20 3. For each significant failure mode identified:
- 21 a. The likelihood of failure is assessed;
- 22 b. The likelihood of a tree part impacting a target is assessed;
- 23 c. The likelihood of a tree failure impacting a target is assessed;
- 24 d. Consequences of failure are estimated;
- 25 e. The risk is designated pursuant to the matrix in Table A for Section
26 25.11.160;
- 27 f. Possible mitigation treatments to reduce the risk are identified;

1 g. The risk is again designated pursuant to the matrix in Table A for
2 Section 25.11.160 after mitigation treatment is completed.

3 4. When assessing the risk of a tree, the city arborist shall evaluate the tree based
4 on existing conditions and shall exclude possible impacts caused by new development, any land
5 alteration activity, or other similar such activities that might otherwise unnaturally cause the risk
6 rating to increase.

7 C. The following table is from the International Society of Arborists TRAQ method and
8 denotes the risk rating matrix used to assess levels of tree risk as a combination of likelihood of a
9 tree failing and impacting a specified target, and the severity of the associated consequences
10 should the tree or any part of the tree fail:

Table A for Section 25.11.060 Tree Risk Rating Matrix

Likelihood of Failure or Impact	Consequences			
	Negligible	Minor	Significant	Severe
Very Likely	Low Risk	Moderate Risk	High Risk	Extreme Risk
Likely	Low Risk	Moderate Risk	High Risk	High Risk
Somewhat likely	Low Risk	Low Risk	Moderate Risk	Moderate Risk
Unlikely	Low Risk	Low Risk	Low Risk	Low Risk

11 1. The consequences listed in Table A for Section 25.11.060 have meanings as
12 follows:

13 a. Extreme Risk. This category applies to trees in which failure is
14 “imminent” and there is a high likelihood of impacting a target, and the consequences of the
15 failure are “severe.”

16 b. High Risk. This category applies to situations in which consequences
17 are significant and likelihood is “very likely” or “likely,” or when consequences are “severe” and
18 likelihood is “likely.”

1 c. Moderate Risk. This category applies to tree in which consequences are
2 “minor” and likelihood is “very likely” or “likely” or when likelihood is “somewhat likely” and
3 the consequences are “significant” or “severe.”

4 d. Low Risk. This category applies to tree in which consequences are
5 “negligible” and likelihood is “unlikely”; or when consequences are “minor” and likelihood is
6 “somewhat likely.”

7 2. Definitions of TRAQ method terminology that are not set forth in this Chapter
8 25.11 or Section 23.84A. can be found in the article “Qualitative Tree Risk Assessment” by E.
9 Thomas Smiley, Nelda Matheny, and Sharon Lilly on file at SDCI.

10 3. Potential targets are permanent structures or an area of moderate to high use.
11 Where a target does not exist, applicants should consider routine pruning and maintenance to
12 mitigate hazards.

13 D. Where a tree is found to have a high risk, the city arborist may authorize hazard
14 pruning to mitigate the risk rather than removing the entire tree.

15 E. If the city arborist assesses a tree to have a high risk and mitigation of the risk through
16 pruning or moving of potential targets is not feasible, the city arborist shall designate the tree a
17 hazard tree and allow its snagging or complete removal.

18 **25.11.070 Requirements for persons engaged in tree removal, development activity, or land**
19 **clearing operations**

20 A. To assure compliance with the standards and requirements of this chapter, any person
21 involved in, tree removal, development activity, or land clearing operations in the city of Seattle
22 shall be required to sign and submit to SDCI on a form approved by SDCI, a statement
23 acknowledging the person has reviewed the City’s tree regulations and the permitting
24 requirements for tree removal, and acknowledging that such person has obtained any and all
25 licenses necessary to lawfully engage in the activities within the City of Seattle, if applicable.

26 B. Any person involved in, tree removal, development activity, or land clearing
27 operations who does not provide the above statement shall be prohibited from performing, tree

1 removal or land clearing services in the city of Seattle, shall be in violation of this Chapter 25.11
2 if such services are performed by such person and may be prosecuted under Section 25.11.180,
3 or as otherwise provided by law.

4 **25.11.080 Tree permit approval criteria and conditions**

5 The criteria by which tree removal permits are approved, conditioned, or denied are provided in
6 this section.

7 A. Table A for Section 25.11.080 sets forth tree canopy lot coverage requirements for
8 tree canopy management units (TCMU) consistent with tree canopy lot coverage goals of the
9 Seattle Urban Forest Stewardship Plan.

10 Table A for Section 25.11.080: Canopy Coverage Requirements

11

Tree Canopy Management Unit	Minimum Tree Canopy Cover as Percentage of Lot Area
Single-family Residential: Residential Small Lot and Residential, Single Family zones	33%
Multi-family Residential: Multi-family and Residential-Commercial zones	20%
Commercial/Mixed Use: Commercial and Seattle Mixed zones	15%
Downtown: Downtown zones	12%
Industrial: Industrial zones	10%
Institutional: Major Institution Overlay Districts	20%

12 B. The tree canopy cover of a lot shall be determined according to procedures provided in
13 Section 25.11.120.

14 C. Minor Significant Tree Removal Permits. A minor significant tree removal permit may
15 be approved if:

1 1. The resulting tree canopy cover of the lot within which one or more significant
2 trees are proposed for removal will be equal to or greater than the tree canopy cover
3 requirements set forth in Table A for Section 25.11.080 based on the existing trees that remain
4 on the subject site after the tree removal occurs.

5 2. The significant tree removal is conducted according to hazardous tree removal
6 pursuant to Section 25.11.060.

7 3. For lots within which the proposed significant tree removal is not associated
8 with development activity and the existing tree canopy cover is less than the tree canopy cover
9 requirements set forth in Table A for Section 25.11.080 before the proposed tree removal,
10 SDCI's arborist approves tree replacement plan that, at a minimum:

11 a. meets the applicable tree canopy cover requirement through on-site
12 planting for property within the Single-Family Residential TCMU as provided in Section
13 25.11.150 or through on-site planting, off-site planting, or through the fee-in-lieu payment for
14 the tree canopy management units other than Single-Family Residential TCMU as provided in
15 Section 25.11.150; or

16 b. specifies significant tree planting that will result in twice the existing
17 tree canopy cover area provided by the trees proposed for removal by planting trees meeting the
18 standards of Section 25.11.120.D.4.

19 D. Major Significant Tree Removal Permits. A major significant tree removal permit may
20 be approved if the proposed significant tree removal is associated with development activity and
21 the tree canopy cover of the lot after the proposal significant tree removal would be less than the
22 tree canopy cover requirements set forth in Table A for Section 25.11.080, and if SDCI's arborist
23 approves a tree replacement plan that at a minimum meets the applicable tree canopy cover
24 requirement through:

25 1. on-site planting for property within the Single-Family Residential TCMU as
26 provided in Section 25.11.150; or

1 2. on-site planting, off-site planting, or through the fee-in-lieu payment for the
2 tree canopy management units other than Single-Family Residential TCMU as provided in
3 Section 25.11.150

4
5 3. Development proposals that include significant tree removal shall:

6 a. Design and locate building footprints, site access, parking areas,
7 roadways, utility corridors and other development to the greatest extent practicable to retain
8 existing trees.

9 b. Demonstrate that the proposal retains to the greatest extent practicable:

10 i. Existing healthy significant trees in groups of two or more trees
11 that form a continuous canopy;

12 ii. Existing healthy significant native evergreen trees;

13 iii. Existing healthy significant native deciduous trees

14 iv. Significant trees that are adjacent to environmentally critical
15 areas (ECA) or ECA buffers;

16 v. Significant trees within required yards or setbacks;

17 vi. Significant trees that are adjacent to healthy significant trees
18 off-site; and

19 vii. Trees adjacent to parks or other open space areas.

20 d. Provide grading or utility plans that accommodate existing significant
21 trees and avoid alteration to grades around existing significant trees.

22 4. Development proposals shall be conditioned as necessary to safeguard trees
23 identified for retention. Such conditions shall include, but are not be limited to, the following:

24 a. Development application approvals may be conditioned to require that a
25 notice on title, in the form required by the Director, shall be recorded by the applicant disclosing
26 the permit and associated tree retention conditions as required by this Chapter 25.11.

1 b. Conditions required by SDCI’s arborist to safeguard trees identified to
2 be retained throughout the development process.

3 c. Conditions consistent with Chapter 15.43 that require sidewalks,
4 structures, utilities, and roadways to be set back at least five feet from the drip line, except where
5 such structure is cantilevered or otherwise raised above the ground’s surface so as not to disrupt
6 the tree’s roots, and the proposed construction is not likely to result in conflicts between the tree
7 and the sidewalk, driveway, structure, or utility that would necessitate the tree’s removal during
8 its normal lifespan.

9 d. Conditions to allow trenching, construction, or an alteration of grades
10 between the five-foot setback from the drip line and the CRZ of a protected tree; provided, that
11 the tree protection plan approved by the SDCI’s arborist demonstrates that the proposed activity
12 will not adversely affect the long-term viability of the tree.

13 E. Notice of Approval. The removal of a significant tree(s) may commence upon posting
14 of an approved tree removal permit on the subject site meeting the requirements in subsection
15 25.11.090.E.

16 F. Timing for completion of tree replacement plan. The completion of the tree planting or
17 payment in-lieu of tree planting included in a tree replacement plan may be accomplished in one
18 or more phases if specified in the tree replacement plan approved by SDCI’s arborist.

19 G. Amendments to approved tree removal permits.

20 1. A minor amendment to an approved minor or major significant tree removal
21 permit or other SDCI approval that does not increase the number of trees to be removed or
22 increase impacts on trees to be retained may be made with written approval of SDCI’s arborist
23 without noticing the approval of the minor amendment to the tree removal permit if the amended
24 proposal meets the requirements of this Chapter 25.11.

25 2. A major amendment to an approved tree removal permit or other SDCI
26 approval that amends the number of trees to be removed or increases impacts on trees to be
27 protected may be made with written approval of SDCI’s arborist if the amended proposal meets

1 the requirements of this Chapter 25.11 and must be noticed pursuant to Subsection 25.11.090.E
2 prior to written approval of the major amendment by SDCI's arborist.

3 H. Tree removal permits not associated with development expire six months (180 days)
4 after the permit issue date, or as specified in the tree replacement plan approved by SDCI's
5 arborist. SDCI's arborist can grant one extension of up to six months when the applicant provides
6 a written request prior to expiration that includes a reasonable justification for the extension,
7 such as a financial hardship, hardship in obtaining replacement trees, or weather-related factors
8 that prevent the applicant from completing the requirements of the permit.

9 **25.11.090 Application Requirements.**

10 A. Minor significant tree removal permit applications shall include the completed permit
11 application supplemented by a general site plan showing:

- 12 1. Location and size of significant tree(s) to be removed;
- 13 2. Locations of other significant trees on site that are to be preserved and the drip
14 lines of those other significant trees;
- 15 3. Percent tree canopy cover on site prior to proposed tree removal and percent
16 tree canopy cover on site after proposed tree removal;
- 17 4. Adjacent structures and streets;
- 18 5. Locations and type of environmental critical areas or buffers on site and on
19 adjacent sites; and
- 20 6. Authorization for SDCI's arborist to access the site to verify tree canopy cover
21 assessment; and
- 22 7. For hazardous tree removal the Arborist Report that includes the assessment of
23 the tree per Section 25.11.060.

24 B. Major significant tree removal permit applications shall include the completed permit
25 application that includes the following:

- 26 1. A site map (to scale) with a north arrow depicting accurate location of existing
27 and proposed development including buildings, decks, driveways, and detached structures; and

1 2. A tree inventory and assessment report prepared by a qualified arborist that
2 includes:

3 the drip lines of the stand, cluster, or individual tree, along with any off-site trees
4 that may be impacted

5 a. Location and species of significant trees to be removed;
6 b. Location, size, species, DSH, ISA risk assessment, and drip line of trees
7 to be protected;

8 c. Percent tree canopy cover on site prior to proposed tree removal and
9 percent tree canopy cover on site after proposed tree removal;

10 d. Locations and type of environmental critical areas or buffers on site and
11 on adjacent sites;

12 e. Location of significant trees adjacent to the proposed construction, both
13 on and off site that could be impacted by the proposed development activity including by tree
14 removal, excavation, grading, or paving;

15 f. Location of tree protection fence located to protect trees to be preserved;

16 g. Timeline for significant tree protection activities and list of protection
17 measures and conditions to be taken during all development activities to ensure code compliance
18 during development activities; and

19 3. A report including development proposal that prioritizes preserving:

20 a. Healthy significant trees that are adjacent to other significant trees on
21 site that will be preserved;

22 b. Healthy significant trees that are adjacent to other significant trees off-
23 site located in environmentally critical areas; and

24 c. Healthy significant trees that are adjacent to off-site significant trees
25 that will be preserved;

26 E. Approval Posting Requirements. Notice of approval for all tree removal permits
27 identified above shall be posted on site, in a place where it can be read from the nearest public

1 street. If the property is located on a private street, notices shall be posted on site, in a place
2 where it can be read from the private street, as well as in a place where it can be read from the
3 nearest public street.

4 1. For minor significant tree removal permits, the notice of approval shall be
5 posted for a minimum of two full business days after the approval and before tree removal and
6 shall remain posted until the tree removal has been completed.

7 2. For major significant tree removal permits, the notice of approval shall be
8 posted for a minimum of 14 full calendar days after approval and before tree removal and shall
9 remain posted until the tree removal has been completed.

10 3. If the number of significant trees proposed for removal increases after the
11 approval has been posted or the permit has been approved, all tree removal activity must stop
12 and the applicable notice of approval procedure shall be repeated in full for the revised
13 application.

14 **25.11.100 Tree species requirements.**

15 A. A list of tree species consisting of coniferous and deciduous trees is set forth in the
16 document entitled “City of Seattle List of Suitable Tree Species,” that are eligible to be planted
17 as replacement trees satisfying the requirements of this Chapter 25.11.

18 B. The Director shall establish and may modify the list consistent with the following
19 criteria:

20 1. The list of coniferous trees should exclude tree species known to have invasive
21 root structures and should also exclude trees planted, clipped or sheared to be used as a hedge
22 and

23 2. The list of deciduous trees should include those suitable to United States
24 Department of Agriculture Plant Hardiness Zones 8 and 9, and should exclude those trees with
25 crown diameter of 10 feet or less at maturity.

26 **25.11.110 Tree, vegetation, and soil protection**

1 Prior to initiating tree removal on the site, soils, vegetated areas, and individual trees to be
2 preserved shall be protected from potentially damaging activities during construction pursuant to
3 the following standards.

4 A. Placing Materials Near Trees. No person shall conduct any activity within the
5 identified tree protection area, including, but not limited to, parking equipment, placing of
6 solvents, storing building material and soil deposits, dumping concrete washout and locating
7 burn holes.

8 1. During construction, no person shall attach any object to any tree designated
9 for protection.

10 B. Protective Barrier. Before development, land clearing, filling or any land alteration for
11 which a major or minor significant tree removal permit is required, the applicant:

12 1. Shall erect and maintain readily visible protective tree fencing along the outer
13 edge that completely surrounds the protected area of all protected trees or groups of trees that are
14 to remain undisturbed. Fences shall be constructed of chain link and at least four feet high, unless
15 other type of fencing is authorized by SDCI's arborist.

16 2. Shall prohibit excavation or compaction of earth or other potentially damaging
17 activities within the barriers.

18 3. Shall maintain the protective barriers in place until SDCI's arborist authorizes
19 their removal or a final certificate of occupancy is issued, whichever occurs first

20 4. Shall ensure that any landscaping done in the protected zone subsequent to the
21 removal of the barriers shall be accomplished with light machinery or hand labor. No turf or
22 lawn areas are to be installed within protected area.

23 5. In addition to the above, the Director may require the following:

24 a. Cover with mulch to a depth of at least six (6) inches or with plywood
25 or similar material the areas within the drip line of a tree in order to protect roots from damage
26 caused by heavy equipment.

1 b. Minimize root damage by excavating a two (2) foot deep trench, at edge
2 of drip line, to cleanly sever the roots of trees to be retained.

3 c. Have corrective pruning performed on protected trees in order to avoid
4 damage from machinery or building activity.

5 d. Maintain trees throughout construction period by watering and
6 fertilizing.

7 C. Grade.

8 1. The grade shall not be elevated or reduced within the drip line of trees to be
9 preserved without SDCI's arborist authorization. The Director may allow coverage of up to one
10 half of the area of the tree's drip line with light soils (no clay) to the minimum depth necessary to
11 carry out grading or landscaping plans, if it will not imperil the survival of the tree. Aeration
12 devices may be required to ensure the tree's survival.

13 2. If the grade adjacent to a protected tree is raised such that it could slough or
14 erode into the tree's drip line, it shall be permanently stabilized to prevent suffocation of the
15 roots.

16 3. The applicant shall not install an impervious surface within the drip line of any
17 tree to be retained without the authorization of SDCI's arborist. SDCI's arborist may require
18 specific construction methods and/or use of aeration devices to ensure the tree's survival and to
19 minimize the potential for root induced damage to the impervious surface.

20 4. To the greatest extent practical, utility trenches shall be located outside of the
21 drip line of trees to be retained. SDCI's arborist may require that utilities be tunneled under the
22 roots of trees to be retained if SDCI's arborist determines that trenching would significantly
23 reduce the chances of the tree's survival.

24 5. Trees and other vegetation to be retained shall be protected from erosion and
25 sedimentation. Clearing operations shall be conducted to expose the smallest practical area of
26 soil to erosion for the least possible time. To control erosion, shrubs, ground cover and stumps
27 shall be maintained on the individual lots, where feasible. Where not feasible, appropriate

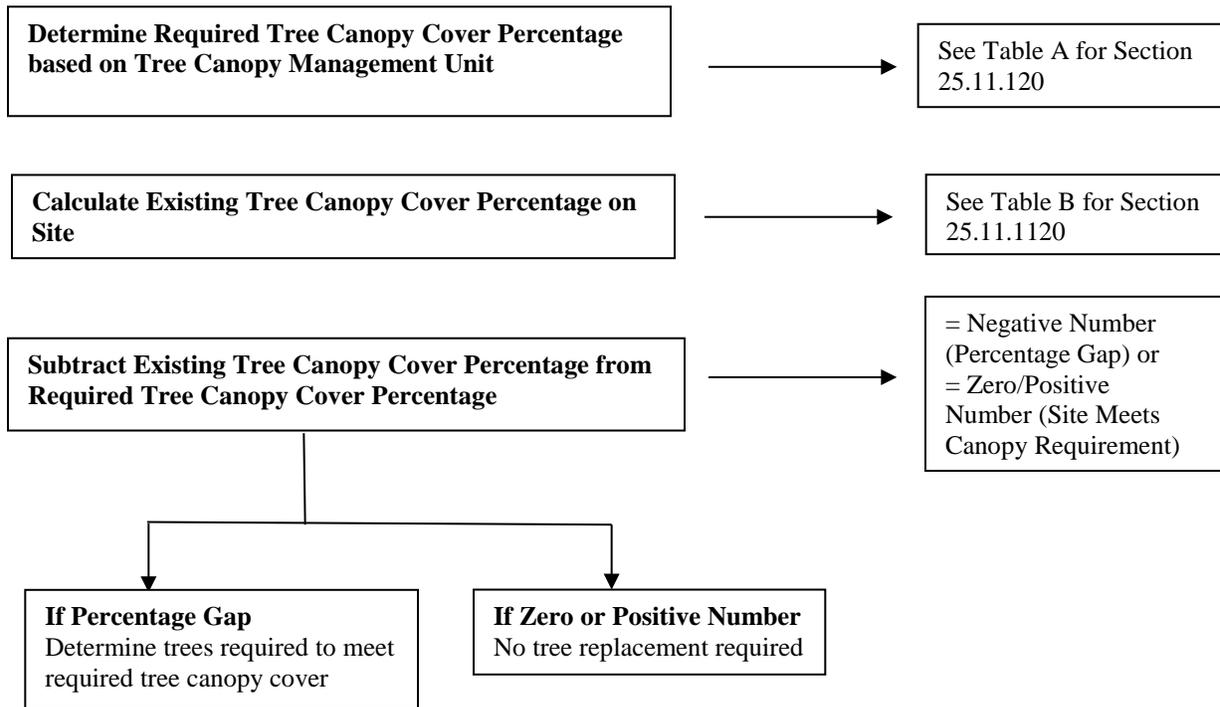
1 erosion control practices shall be implemented pursuant to SMC Title 22, Subtitle VIII,
2 Stormwater Code.

3 D. Directional felling. Directional felling of trees shall be used to avoid damage to
4 trees designated for retention and shall be conducted to expose the smallest practical area of soil
5 to erosion for the least possible time.

6 E. Additional requirements. The Director may require additional tree protection
7 measures which are consistent with accepted best management practices.

8 **25.11.120 Tree performance standards**

9 A. The requirements and procedures set forth in this Section 25.11.120 shall apply to
10 development projects or for any tree removal or land clearing operations. Figure A for 25.11.120
11 outlines the primary steps prescribed by this Section 25.11.120 in establishing requirements and
12 determining compliance with this Chapter.
13



14
15 **Figure A for 25.11.120 Tree Performance Process**

16 B. The following is the procedure to determine the tree canopy cover required for lot:

- 1 1. Multiply the lot area, including any land in right of way fronting the lot, by the
2 tree canopy cover ratio for the relevant TCMU of the lot found in Table A for Section 25.11.120;
3 and
4 2. The product is the area in square feet required for tree canopy cover on site,
5 also known as the required tree canopy cover.

Table A for Section 25.11.120 Tree Density Ratio	
Tree Canopy Management Unit	Tree Canopy Cover Ratio
Single-family Residential	0.33
Multi-family Residential	0.20
Commercial/Mixed Use	0.15
Downtown	0.12
Industrial	0.10
Institutional	0.20

- 6
7 C. To determine compliance with the required tree canopy cover applicable to the lot,
8 apply the following procedures:
9 1. Inventory all existing significant trees on the subject lot, including significant
10 trees fronting the lot in the right of way, also including trees as provided in 25.11.120.D.3.e;
11 2. Assign a square foot area per each inventoried tree using the corresponding tree
12 canopy cover set forth in Table B for Section 25.11.120;
13 3. Add the canopy cover from each inventoried tree together to compute the
14 existing tree canopy cover.
15 4. Subtract the canopy cover of those significant trees proposed to be removed
16 from the existing tree canopy cover to determine the remaining tree canopy cover on site;

1 5. Determine if a pre-existing tree canopy cover gap exists by subtracting the total
2 existing tree canopy cover from the required tree canopy cover:

- 3 a. If the difference is less than zero round to zero;
4 b. A difference of zero means no pre-existing tree canopy cover gap exists;
5 c. If the difference is greater than zero, the difference is the pre-existing tree
6 canopy cover gap; and

7 6. Apply the results from steps 1 through 5 to determine the applicable type of
8 tree removal permit and the applicable requirement for tree planting or payment in-lieu of
9 planting per Section 25.11.080.

10
Table B for Section 25.11.120 Existing Tree Canopy Cover

Tree Type	Canopy Spread (Ft.)	Canopy Cover
Small	10 - 15	105
Small/Medium	16 - 20	255
Medium/Large	21 - 25	415
Large	26 - 30	615

11
12 D. If tree replacement planting is required, then the required planting shall be in
13 accordance with the following:

- 14 1. The quantity of trees to be planted is determined by:
15 a. The canopy cover deficit compared to the tree canopy cover required on
16 the site after the proposed tree removal.
17 b. Two times the tree canopy cover is required for replacing the tree
18 canopy of each significant native trees that is removed and for each tree with a DSH of 24 inches
19 and larger that is removed;

1 c. The quantity of trees planted shall result in a canopy cover sufficient
2 that their total canopy cover at 25 years shall equal or exceed the minimum required tree canopy
3 cover established in subsection 25.11.120.B; and

4 d. The Director may promulgate rules or standards to illustrate and clarify
5 this process.

6 2. Minimum development standards applicable to all required trees planted.

7 a. Required tree planting shall include only trees selected from the “City
8 of Seattle List of Suitable Tree Species” established in Section 25.11.100;

9 b. Trees shall be planted on the subject lot, or in an approved planting
10 location within the right of way that fronts the subject provided that the planting of the tree
11 complies with the street tree requirements of Chapter 15.43 SMC;

12 c. Each tree shall have a minimum caliper of two inches or, if the tree is
13 coniferous, it shall have a minimum height of six feet at the time of final inspection by the City;

14 d. Trees shall be planted in a manner of proper location and spacing that
15 provides the area and light needed to allow the tree to grow to maturity;

16 e. Existing trees within the boundaries of the lot having less than six
17 inches DSH may count towards percent tree canopy cover provided the tree meets all other
18 requirements applicable to significant trees;

19 f. Trees planted to replace existing significant trees removed shall have at
20 least one tree of the same plant division (coniferous or deciduous) as the significant tree that is
21 being removed; and

22 g. The owner of the subject lot is required to ensure that the trees planted
23 remain healthy for at least five years after inspection by the City and the owner of the subject lot
24 shall be responsible for replacing any trees that do not remain healthy for the five years after
25 inspection by the City.

26 E. All planted trees used to satisfy the tree performance and planting requirements of this
27 Chapter 25.11 shall be considered a significant tree for the life of the project.

1 F. Except where off-site tree planting or contributing to the in-lieu tree planting program
2 is allowed, application of this section shall not result in planting trees below the minimum
3 requirements for on-site plantings.

4 G. Except as provided in Section 25.11.080.D.1, in lieu of the required on-site tree
5 planting of this Section 25.11.120, trees may be planted off-site or a payment may be made to the
6 in-lieu fee program as set forth in Section 25.11.150.

7 **25.11.130 Development standard departures for tree preservation**

8 A. If the Director determines that a significant tree is located on the lot of a proposed
9 development, the Director may allow departures from development standards for the
10 development to preserve existing significant tree(s) as follows:

11 1. Permitted height. For a principal structure with a base height limit of 40 feet
12 that is subject to the pitched roof provisions of subsection 23.45.514.D, the Director may permit
13 the ridge of a pitched roof with a minimum slope of 6:12 to extend up to a height of 50 feet if the
14 increase is needed to accommodate, on an additional story, the amount of floor area lost by
15 avoiding development within the tree protection area and the amount of floor area on the
16 additional story is limited to the amount of floor area lost by avoiding development within the
17 tree protection area.

18 2. Parking reduction. A reduction in the parking quantity required by Section
19 23.54.015 and the standards of Section 23.54.030 may be permitted in order to protect an
20 exceptional tree if the reduction would result in a project that would avoid the tree protection
21 area.

22 3. Front, rear, and side setbacks may be reduced to the minimum necessary to
23 protect a significant tree and by no more than 95% for front setbacks, 75% for rear setbacks, and
24 50% for side setbacks.

1 **25.11.140 Major institutions**

2 If the Director determines that a significant tree is located within a Major Institution Overlay
3 District, and the tree is not proposed to be retained, the Director may allow removal of
4 significant trees if:

5 A. The proposed development is for a major institution use identified in an adopted
6 Major Institution Master Plan; and

7 B. The location of a significant tree(s) is such that planned future physical development
8 identified in an adopted Major Institution Master Plan cannot be sited while avoiding the tree
9 protection area; and

10 C. For institutions that have filed a notice of intent to prepare a master plan after
11 (effective date of the ordinance for the replacement Chapter 25.11), tree planting or an in-lieu
12 payment to the SDCI Tree Replacement Fund is provided according to this Chapter 25.11 for
13 significant trees that are removed in association with development.

14 **25.11.150 Off-site planting and in-lieu payment**

15 A. Where this Chapter 25.11 authorizes off-site tree plantings or in-lieu payments, an
16 owner of a lot where a significant tree(s) removal was approved may use the provisions of this
17 Section 25.11.150 to satisfy on-site tree planting requirements.

18 B. An owner of a lot where a significant tree(s) removal was approved may plant required
19 trees at on off-site location provided all the following are satisfied:

20 1. The off-site location is within the boundaries of the city including:

21 a. Private property with the written consent of the owner of the off-site
22 location;

23 b. City property with the written approval of the director;

24 c. Other public property with the written consent of the entity with
25 jurisdiction over the off-site location;

26 2. Existing trees at the off-site location shall not be included as satisfying tree
27 planting requirements;

1 3. Trees planted off-site shall not be counted as an existing tree on the property
2 where the off-site tree is located;

3 4. Trees planted off-site shall meet development standards including:

4 a. Having a minimum caliper of two inches or, if the tree is coniferous,
5 having a minimum height of six feet at the time of final inspection by the City;

6 b. Having at least one tree of the same plant division (coniferous or
7 deciduous) as the significant tree that is to be removed;

8 c. The owner of the off-site property shall take necessary measures to
9 make certain that the trees planted to satisfy the requirements of this chapter remain healthy for
10 at least five years after inspection by the City, and shall be responsible for replacing any subject
11 trees that do not remain healthy for the life of the project.

12 D. In lieu of required tree planting, an owner of a lot where a significant tree(s) removal
13 was approved may make an in-lieu payment to the SDCI Tree Replacement Fund according to a
14 rate of dollars to DSH for each removed tree commensurate with the tree canopy area of the
15 removed tree and satisfying the requirements of Chapter 25.11 for tree replacement as
16 established by Director's Rule.

17 E. An applicant may select to apply a combination of planting trees on-site, off-site
18 and/or payment to the SDCI Tree Replacement Fund provided:

19 1. The combination is consistent with the provisions of this Chapter 25.11; and

20 2. The combination results shall be equivalent to or greater than the minimum
21 requirements for on-site plantings.

22 F. The Director may establish additional administrative rules as necessary relating to the
23 care and maintenance of off-site trees and trees paid for with money from the SDCI Tree
24 Replacement Fund.

25 **25.11.160 Tree replacement.**

26 The following apply to tree replacement required under the chapter:

1 A. Replacement tree(s) that die prior to meeting the definition of significant tree must be
2 replaced by a tree(s) that satisfy the requirements of this Chapter 25.11. Amendments to an
3 approved tree replacement plan may only be made with approval of SDCI’s arborist.

4 B. Replacement tree species should be selected from the approved City of Seattle Tree
5 List. Selection of a species not on the list shall require approval by the SDCI’s arborist. Invasive
6 trees, as defined by this Chapter 25.11, shall not be used as replacement trees.

7 C. All replacement trees shall meet the minimum standards for size and quality according
8 to the current edition of the ANSI Z60.1 standard for nursery stock.

9 D. Major significant tree removal permits.

10 1. For lots on which development activity is proposed, that are legally
11 nonconforming with respect to the lot coverage and lot area requirements and are below the tree
12 canopy coverage requirements prior to tree removal, off-site replanting may be approved for any
13 portion of the required tree canopy coverage that SDCI’s arborist finds would be infeasible to
14 locate on-site. Conditions of the permit shall be recorded in the form of a notice on title as
15 described for the property on which off-site trees are planted.

16
17 **25.11.170 Tree maintenance.**

18 A. All protected trees, so designated on an approved permit and replanting plan, shall be
19 maintained in healthy condition by the property owner unless otherwise approved by the City in
20 a subsequent permit. If the canopy coverage falls below the approved coverage granted by latest
21 tree removal permit, the property owner will be required to plant replacement trees to achieve the
22 approved canopy requirements.

23 B. Pruning.

24 1. Significant and protected trees, as defined in this chapter, shall not be topped.

25 2. Pruning and maintenance of protected trees shall be consistent with the ANSI
26 A300 standards and ISA best management practices for proper pruning.

27 **25.11.180 Enforcement and penalties**

1 A. Authority. The Director shall have authority to enforce the provisions of this chapter,
2 to issue permits, impose conditions, and establish administrative procedures and guidelines,
3 conduct inspections, and prepare the forms necessary to carry out the purposes of this chapter.

4 B. It shall be a violation of this chapter for any person to remove, clear, or take any action
5 detrimental to significant trees or protected trees contrary to or in violation of any provision of
6 this chapter. It shall be a violation of this chapter for any person to knowingly aid and abet,
7 counsel, encourage, hire, commend, induce or otherwise procure another to violate or fail to
8 comply with this chapter.

9 C. Notice of Violation.

10 1. Issuance. The Director is authorized to issue a Notice of Violation to a
11 responsible party whenever the Director determines that a violation of this subtitle has occurred
12 or is occurring. The Notice of Violation shall be considered an order of the Director.

13 2. Contents.

14 a. The Notice of Violation shall include the following information:

15 i. A description of the violation and the action necessary to correct
16 it;

17 ii. The date of the notice; and

18 iii. A deadline by which the action necessary to correct the
19 violation must be completed.

20 b. A Notice of Violation may be amended at any time to correct clerical
21 errors, add citations of authority, or modify required corrective action.

22 3. Service. The Director shall serve the notice upon a responsible party either by
23 personal service or by first class mail to the party's last known address. If the address of the
24 responsible party is unknown and cannot be found after a reasonable search, the notice may be
25 served by posting a copy of the notice at a conspicuous place on the property. Alternatively, if
26 the whereabouts of the responsible party is unknown and cannot be ascertained in the exercise of
27 reasonable diligence, and the Director makes an affidavit to that effect, then service may be

1 accomplished by publishing the notice once each week for two consecutive weeks in the City
2 official newspaper.

3 4. Nothing in this subtitle shall be deemed to obligate or require the Director to
4 issue a Notice of Violation or order prior to the initiation of enforcement action by the City
5 Attorney's Office.

6 D. Stop-work Order. Whenever a continuing violation of this chapter will materially
7 impair the Director's ability to secure compliance with this chapter, when the continuing
8 violation threatens the health or safety of the public, or when the continuing violation threatens
9 or harms the environment, the Director may issue a stop-work order specifying the violation and
10 prohibiting any work or other activity at the site. The posting of the stop-work order on the site
11 shall be deemed adequate notice of the stop-work order. A failure to comply with a stop-work
12 order shall constitute a violation of this chapter.

13 E. Review by Director and Judicial Appeal.

14 1. A Notice of Violation, Director's order, or invoice issued pursuant to this
15 enforcement and penalties subsection shall be final and not subject to further appeal unless an
16 aggrieved party requests in writing a review by the Director within ten calendar days after
17 service of the Notice of Violation, order or invoice. When the last day of the period so computed
18 is a Saturday, Sunday or federal or City holiday, the period shall period shall run until 5:00 p.m.
19 on the next business day.

20 2. Following receipt of a request for review, the Director shall notify the
21 requesting party, any persons served the Notice of Violation, order or invoice, and any person
22 who has requested notice of the review, that the request for review has been received by the
23 Director. Additional information for consideration as part of the review shall be submitted to the
24 Director no later than 15 days after the written request for a review is mailed.

25 3. The Director will review the basis for issuance of the Notice of Violation,
26 order, or invoice and all information received by the deadline for submission of additional

1 information for consideration as part of the review. The Director may request clarification of
2 information received and a site visit. After the review is completed, the Director may:

- 3 a. Sustain the Notice of Violation, order or invoice; or
- 4 b. Withdraw the Notice of Violation, order or invoice; or
- 5 c. Continue the review to a date certain for receipt of additional
6 information; or
- 7 d. Modify or amend the Notice of Violation, order, or invoice.

8
9 F. Order of the Director. The Director’s decision shall become final and not subject to
10 further appeal unless an aggrieved party appeals the decision to Seattle Municipal Court within
11 ten (10) days after the Director Issues the decision. Appeal hearings in Municipal Court shall be
12 de novo. Because civil actions to enforce Chapter 25.11 are brought in Seattle Municipal Court
13 pursuant to Section 25.11.180.G, orders of the Director issued under this chapter are not be
14 subject to judicial review pursuant to Chapter 36.70C RCW.

15 G. Referral to City Attorney for Enforcement. If a responsible party fails to correct a
16 violation or pay a penalty as required by a Notice of Violation, or fails to comply with a
17 Director's order, the Director may refer the matter to the City Attorney's Office for civil or
18 criminal enforcement action. Judicial enforcement of a violation of this subtitle shall be by de
19 novo review in Municipal Court.

20 H. Filing Notice or Order. A Notice of Violation, voluntary compliance agreement or an
21 order issued by the Director or court, may be filed with the King County Department of Records
22 and Elections.

23 I. Change of Ownership. When a Notice of Violation, voluntary compliance agreement or
24 an order issued by the Director or court has been filed with the King County Department of
25 Records and Elections, a Notice of Violation or an order regarding the same violations need not
26 be served upon a new owner of the property where the violation occurred. If no Notice of
27 Violation or order is served upon the new owner, the Director may grant the new owner the same

1 number of days to comply as was given the previous owner. The compliance period for the new
2 owner shall begin on the date that the conveyance of title to the new owner is completed.

3 J. Civil Penalties.

4 1. Any person who is responsible for the removal, topping, or other action
5 detrimental to a significant tree or protected tree in violation of this chapter or any notice,
6 decision or order issued by the Director pursuant to this chapter shall be subject to a civil penalty
7 in the amount of \$1,500 per inch of diameter at standard height of tree removed, topped or other
8 action detrimental to a tree. If the tree has been removed and is no longer on the property, such
9 as by tree stump grinding, then there is a rebuttable presumption that the tree removed was thirty
10 inches at DSH and the person who is responsible for the tree removal shall be subject to a civil
11 penalty in the amount of \$45,000 per tree unless the violator can prove otherwise. If the violation
12 is found to have been willful or malicious, the amount of the penalty may be trebled as punitive
13 damages.

14 2. Any person who fails to comply with Section 25.11.180.D shall be subject to a
15 civil penalty in an amount not to exceed \$500 a day.

16 3. The Director shall notify the City Attorney in writing of the name of any person
17 subject to the penalty and shall assist the City Attorney in collecting the penalty.

18 K. Restoration. In addition to any other remedies available, violators of this chapter shall
19 be responsible for restoring unlawfully damaged areas in conformance with a plan, approved by
20 the Director, which provides for:

21 1. Repair of any environmental and property damage, and restoration of the site;

22 2. Restored site condition that, to the greatest extent practicable, equals the site
23 condition that would have existed in the absence of the violation(s); and

24 3. Replacement of removed or damaged significant or protected trees in
25 compliance with the tree replacement or payment in lieu standards specified in Sections
26 25.11.120 and 25.11.150, except that the number of replacement trees and corresponding
27 payment in lieu for significant trees removed or damaged shall be trebled.

1 L. Criminal Penalty.

2 1. Anyone violating or failing to comply with any order issued by the Director
3 pursuant to this chapter shall, upon conviction thereof, be punished by a fine of not more than
4 \$1,000 and by imprisonment for not more than 90 days. Each day's violation or failure to comply
5 shall constitute a separate offense.

6 2. Anyone violating or failing to comply with any of the provisions of this chapter
7 and who within the past five years has had a judgment against them for a violation of subsection
8 B shall upon conviction thereof, be fined in a sum not to exceed \$5,000 and imprisonment for
9 not more than 364 days. Each day's violation or failure to comply shall constitute a separate
10 offense.

11 **25.11.190 Definitions.**

12 “Caliper” means the measurement of trunk size of woody nursery stock, such as trees.
13 Caliper of the trunk shall be measured at six inches above the ground surface for trees up to and
14 including four inches caliper and at 12 inches above the ground surface for larger sizes.

15 “Canopy cover” means tree canopy cover.

16 “Canopy spread” means the average of the length of the longest line connecting two
17 points on opposite sides of the drip line of a tree and the length of the line perpendicular to this
18 line connecting two points on opposite sides of the dripline.

19 “Critical root zone” (CRZ) means the area on the ground surrounding a tree that is one
20 and one-half times the maximum diameter of the tree's canopy or 20 times the DSH, whichever
21 is greater.

22 "Director" means the Director of the Seattle Department of Construction and Inspections
23 (SDCI).

24 "Drip line" means an area encircling the base of a tree, the minimum extent of which is
25 delineated by a vertical line extending from the outer limit of a tree's branch tips down to the
26 ground.

1 “DSH” means diameter of a tree at the standard height of 54 inches above ground. On
2 uneven surfaces the DSH is measured from the high side of the level of the ground. DSH refers
3 to the Diameter at Breast Height, or DBH, and is the same measurement at 54 inches above
4 ground.

5 “Emergency action” means any action taken to a significant tree(s) that has an extreme
6 risk rating using the International Society of Arborists Tree Risk Assessment Qualification
7 (TRAQ) method, including but not limited to such actions as limbing or removal that is necessary
8 to remedy an immediate threat to people, structures, or health and safety.

9 “Fee-in-lieu” means a fee paid into the Tree Replacement Fund to replace tree canopy
10 lost on site and not replaced on site or off site.

11 "Feeder root zone" means an area encircling the base of a tree equal to twice the diameter
12 of the drip line.

13 "Hazardous tree" means any tree or tree part that poses a high risk of damage to persons
14 or property, and that is designated as such by the Director according to the tree hazard evaluation
15 standards established by the International Society of Arboriculture (ISA).

16 "Healthy tree" means a tree that is not a high risk or an extreme high risk according to
17 ISA standards as determined by a qualified arborist.

18 "Invasive tree" means any tree species that appears on the King County Noxious Weed
19 Board’s Class A, Class B, and Class C Noxious Weed lists.

20 “Person” means any individual, partnership, corporation, association, or public or
21 private organization of any character.

22 “Protected Tree” means both a tree that is planted to satisfy the tree performance and
23 planting requirements of this Chapter 25.11 and considered a significant tree for the life of the
24 project and trees that are preserved to meet the tree performance requirements of this Chapter
25 25.11.

26 “SDCI” means the Seattle Department of Construction and Inspections.

1 “Significant tree” means any tree six (6) inches or greater in diameter at standard height
2 (DSH).

3 "Topping" means the cutting back of limbs to stubs within the tree's crown, to such a
4 degree as to remove the normal canopy and disfigure the tree; or the cutting back of limbs or
5 branches to lateral branches that are less than one-half (½) of the diameter of the limb or branch
6 that is cut.

7 “Tree” - “Tree” means a plant having a permanent woody stem or trunk, ordinarily
8 growing to a considerable height, and usually developing branches at some distance from the
9 ground. Some trees develop more than one stem or trunk. Trees do not include any species which
10 appears on the King County Noxious Weeds or Weeds of Concern list or vine maple.

11 “Tree canopy cover” means the layer of leaves, branches, and stems of trees that cover the
12 ground when viewed from above.

13 "Tree, invasive" means see "Invasive tree"

14 "Tree, healthy" means see "Healthy tree"

15 "Tree, protected" means see "Protected tree"

16 “Tree protection area” means the area identified on a site plan to protect significant trees
17 during development

18 "Tree removal" means removal of a tree(s) or vegetation, through either direct or indirect
19 actions including, but not limited to, clearing, topping or cutting, causing irreversible damage to
20 roots or trunks; poisoning; destroying the structural integrity; and/or any filling, excavation,
21 grading, or trenching in the dripline area of a tree which has the potential to cause irreversible
22 damage to the tree, or relocation of an existing tree to a new planting location.

23 “Tree removal permit” means either a major significant tree removal permit or a minor
24 significant tree removal permit.

25 **25.11.200 Measurements and rounding**

1 A. For all calculations, the applicant shall be responsible for supplying drawings
2 illustrating the measurements. These drawings shall be drawn to scale, and shall be of sufficient
3 detail to allow verification upon inspection or examination by the Director.

4 B. Fractions. When any measurement technique results in fractional requirements, the
5 dimension shall be measured to the nearest inch. Any fraction up to and including 0.5 of an inch
6 shall be disregarded and fractions over 0.5 of an inch shall require the next higher unit.

7 Section 5. This ordinance shall take effect and be in force 30 days after its approval by
8 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
9 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

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1 Passed by the City Council the _____ day of _____, 2018,
2 and signed by me in open session in authentication of its passage this ____ day of
3 _____, 2018.

4 _____
5 President _____ of the City Council
6 Approved by me this _____ day of _____, 2018.

7 _____
8 _____
9 Jenny A. Durkan, Mayor

10 _____
11 Filed by me this _____ day of _____, 2018.

12 _____
13 _____
14 Monica Martinez Simmons, City Clerk

15 _____
16 _____
17 _____
18 _____
19 _____
20 _____

21 (Seal)

22 Exhibits:

23 Exhibit A: Chapter 25.11 of the Seattle Municipal Code