

ORDINANCE NO. 09-1014

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending Sections 15.14.160, 15.14.200, 15.14.210, 15.14.220 of the SeaTac Municipal Code, adding new Sections 15.14.162, 15.14.165, and 15.14.166 to the SeaTac Municipal Code, and repealing Section 15.14.180 of the SeaTac Municipal Code related to tree retention.

WHEREAS, it is appropriate to amend the City’s development regulations regarding tree retention; and

WHEREAS, the Growth Management Act requires regular review and update of development regulations which implement the City’s Comprehensive Plan; and

WHEREAS, regular review and update of the Zoning Code ensures that development regulations are responsive to the needs of the City; and

WHEREAS, in reviewing the Zoning Code, certain development regulations have been identified as requiring definition, clarity, amendment or addition; and

WHEREAS, the Planning Commission has reviewed the aforesaid changes to development regulations, has held a public hearings for the purpose of soliciting public comment in regard to Zoning Code changes;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON DO ORDAIN as follows:

Section 1. Section 15.14.160 of the SeaTac Municipal Code is hereby amended to read as follows:

15.14.160 Retention of Significant Trees within New Short Plats and Long Subdivisions in the Single-family Zones

~~Significant trees shall be retained as follows:~~

- A. ~~No clearing of a site is permitted until approval of the tree retention and landscape plan.~~
- B. ~~Perimeter Landscape Areas. All significant trees which do not constitute a safety hazard shall be retained.~~
- C. ~~Site Interior. Excluding the required perimeter landscape strip, at least twelve percent (12%) of the significant trees on site shall be retained.~~
- D. ~~Areas devoted to access points and to sight clearance at street intersections and access points are exempt from this section.~~
- E. ~~The following may be exempt from significant tree retention as determined by the City Manager, or designee:~~
 - 1. ~~Areas cleared for required roads, utilities, sidewalks, trails, or storm drainage systems; or~~
 - 2. ~~Trees within fifteen (15) feet of a proposed or existing structure.~~
- F. ~~Priority shall be given to the retention of significant trees that:~~
 - 1. ~~Exceed sixty (60) feet in height.~~
 - 2. ~~Form a continuous canopy.~~
 - 3. ~~Provide winter wind protection or summer shade.~~
 - 4. ~~Create a distinctive skyline feature.~~
 - 5. ~~Protect areas adjacent to sensitive area buffers.~~
 - 6. ~~Are eight (8) inches in caliper or greater as measured three (3) feet vertically from ground level.~~

Significant trees within new short plats and long subdivisions shall be retained as follows:

- A. If applicable, two (2) significant trees shall be saved within each new proposed lot within each new proposed short plat or long subdivision, unless an alternative allowed by SMC 15.14.166 is used. Significant trees located in the following areas are not required to be retained:
 - 1. Trees within the building footprint of a proposed residence and accessory structure (detached carport, garage, or accessory dwelling unit).

2. Trees within any private access easement.
 3. Trees within any proposed utility easement.
- B. Significant trees to be retained shall be protected during the construction process for final short plat approval, during long plat approval, and during the construction of a residence on each lot as provided under SMC 15.14.170.
- C. Until such time when ownership of the property is transferred as provided for under SMC 15.14.160 F. below, a covenant shall run with the property advising potential purchasers of significant trees to be retained that are located on-site. The text of this covenant shall be approved by the Director of Planning and Community Development.
- D. Any significant tree proposed to be retained that is removed during the final short plat or preliminary plat approval process, or during the construction of a residence on a lot, shall be mitigated as follows:
1. For each significant tree removed, two (2) deciduous trees, a minimum of two (2) inches in caliper measured at four (4) feet from its base at the time of planting; or
 2. Two (2) evergreen trees with a minimum height of eight (8) feet, not including growth leaders; or
 3. Any combination of the above, with a minimum of two (2) trees.
 4. The following material will not be regarded as trees:
 - a. Vine Maple (Acer circinatum)
 - b. Serviceberry (Amelanchier)
 - c. Arborvitae (Not including Western Red Cedar [Thuja plicata])
 - d. Any other tree that could be either considered a shrub.
- E. All trees required to be replanted shall be planted prior to the final inspection of the residence.
- F. No mitigation for the removal of significant trees shall be required once the builder of a single-family residence on any lot containing significant trees transfers ownership of the lot and residence to another party, or when a certificate of occupancy is issued to the same party.

Section 2. Section 15.14.162 of the SeaTac Municipal Code is hereby added to read as follows:

15.14.162 – Retention of Significant Trees in all Other Zones

A. If applicable, three (3) significant trees, or 12% of the significant trees on-site, whichever number is greater, shall be saved within each new proposed development. Significant trees located in the following areas are not required to be saved:

1. Trees within the building footprint of a proposed structure.
2. Trees within any private access easement and interior roads.
3. Trees within any proposed utility easement.

B. A covenant shall run with the property advising potential purchasers of significant trees to be saved that are located on site. The text of this covenant shall be approved by the Director of Planning and Community Development.

C. Significant trees within required landscape areas shall be given preference to be retained.

D. Any significant tree proposed to be retained that is removed during construction shall be mitigated as follows:

1. For each significant tree removed, three (3) deciduous trees, a minimum of two (2) inches in caliper measured at four (4) feet from its base at the time of planting; or
2. Three (3) evergreen trees with a minimum height of eight (8) feet, not including growth leaders; or
3. Any combination of the above, with a minimum of three (3) trees.
4. All trees required to be replanted as mitigation shall be replanted prior to occupancy.
5. Any trees re-planted for mitigation purposes shall be in addition to any required landscaping for the proposed project.

Section 3. Section 15.14.165 of the SeaTac Municipal Code is hereby added to read as follows:

15.14.165 – Tree Retention – Clearing of Multifamily, Commercial, and Industrial Zoned Lots

No significant trees shall be removed from any multifamily, commercial, or industrial zone property without obtaining a no fee “Tree Clearing Permit” from the Department of Planning and Community Development. The property owner shall demonstrate at least one of the following criteria in order to obtain a “Tree Clearing Permit”:

- A. A tree constitutes a safety hazard to any structures on the property and to any structures on adjacent properties as determined by the City’s arborist; or
- B. A tree is dead; or
- C. The tree is significantly diseased and will die as determined by the City’s arborist; or
- D. The property owner has an approved building permit for a new development on the property.

Section 4. Section 15.14.166 of the SeaTac Municipal Code is hereby added to read as follows:

15.14.166 – Minimum Number of Trees Per Residential Lot – New Short Plats and Long Subdivisions

- A. A minimum number of trees per lot within new proposed short plats and long subdivisions shall be required, as follows:
 - 1. Two (2) significant trees;
 - 2. One (1) significant tree and two (2) new trees; or
 - 3. Four (4) new trees.

All new trees per lot shall be planted on the lot prior to the final inspection of any residence on the lot and shall meet the standards set forth in SMC 15.14.166 (B).

- B. Significant trees or existing healthy trees on the lots that meet the following minimum size standards may be counted towards the requirements of SMC 15.14.166 (A):
 - 1. Deciduous trees, a minimum of two (2) inches in caliper measured at four (4) feet from its base at the time of planting; or

2. Evergreen trees with a minimum height of eight (8) feet, not including growth leaders; or
3. Any combination of the above, with a minimum meeting the requirements of SMC 15.14.166 (A).
4. The following material will not be regarded as trees:
 - a. Vine Maple (Acer circinatum)
 - b. Serviceberry (Amelanchier)
 - c. Arborvitae (Not including Western Red Cedar [Thuja plicata])
 - d. Any other tree that could be either considered a shrub.

C. No mitigation for the removal of trees shall be required once the builder of a single-family residence on any lot containing trees transfers ownership of the lot and residence to another party, or when a certificate of occupancy is issued to the same party.

Section 5. Section 15.14.200 of the SeaTac Municipal Code is hereby amended to read as follows:

15.14.200 Irrigation Requirements

All planting required for new development in multifamily, commercial, business park, and industrial zones and in long subdivisions (street trees only) shall receive sufficient water to ensure survival as follows:

- A. Landscaped areas shall be installed with the following irrigation systems or water conservation methods:
 1. Moisture sensor (may be required);
 2. Automatic timers set for operation periods which minimize evaporation and assure adequate moisture levels;
 3. Sprinkler heads (of the pop-up type) designed to provide adequate coverage for all landscaping. Other sprinkler heads may be allowed upon approval by the City;
 4. Separate irrigation zones for turf and planting beds;
 5. Group together plants with similar water needs;

6. Augmenting existing soils with loamy soil; and
 7. Covering the base of plants with mulch to minimize evaporation.
- B. The City Manager, or designee, may allow an exemption from the irrigation requirements if the applicant provides:
1. Landscape areas where at least seventy percent (70%) of the existing vegetation is undisturbed;
 2. Landscaping in areas where existing site conditions (i.e., high water table) assure adequate moisture to sustain growth;
 3. Despite physical constraints preventing automatic irrigation, a manual scheduled method is proposed and approved.

Section 6. Section 15.14.210 of the SeaTac Municipal Code is hereby amended to read as follows:

15.14.210 Maintenance Requirements

Within the multifamily, commercial, business park, and industrial zones, the applicant shall provide the following maintenance or shall be subject to enforcement action as provided in Chapter 15.32 SMC:

- A. All required landscaped areas shall be maintained, pruned, trimmed, and watered to create an attractive appearance and a healthy growing condition.
- B. Dead, diseased, stolen, or vandalized planting shall be replaced within one (1) month.
- C. Property owners shall keep the planting area reasonably free of weeds and trash

Section 7. Section 15.14.210 of the SeaTac Municipal Code is hereby amended to read as follows:

15.14.220 Bonds/Security Requirements

- A. Prior to issuance of any construction, grading, or building permits within the multifamily, commercial, business park, and industrial zones and within long subdivisions (for street trees only), a landscape bond or other suitable financial guarantee as approved by the City Attorney shall be submitted to the Department of Planning and Community Development. The amount of the landscape bond or other financial guarantee shall equal one hundred fifty percent (150%) of the estimated cost of the required landscaping.

- B. Prior to issuance of a final certificate of occupancy in the multifamily, commercial, business park, or industrial zones, or before a final inspection of the last home in a long subdivision, a maintenance bond or other acceptable financial guarantee equal to thirty percent (30%) of the replacement cost of the required landscaping shall be submitted. The bond shall be maintained for a three (3) year period, at which point the Building Official and the City Manager, or designee, will determine if the bond shall be released or is needed for maintenance within the landscaped areas.

Section 8. Section 15.14.180 of the SeaTac Municipal Code is hereby repealed:

~~15.14.180 Restoration of Significant Trees~~

~~Significant trees which would otherwise be retained, but which were damaged or destroyed through some fault of the applicant shall be replaced in a manner determined by the City Manager, or designee.~~

Section 9. The City Clerk is directed to forward a copy of this Ordinance to the Washington State Department of Community, Trade and Economic Development within ten (10) days after adoption, and to the King County Assessor.

Section 10. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 11. The Ordinance shall be effective five (5) days after passage and publication.

ADOPTED this 12th day of May, 2009, and signed in authentication thereof on this 12th day of May, 2009.

CITY OF SEATAC

Ralph Shape, Mayor

ATTEST:

Kristina Gregg, City Clerk

Approved as to Form:

Mary Mirante Bartolo, City Attorney

[Effective Date 05/23/09]

[Tree Retention Ordinance]

ORDINANCE NO. 09-1016

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending Ordinance 09-1014 and Section 15.14.160 of the SeaTac Municipal Code related to tree retention.

WHEREAS, the City Council adopted Ordinance 09-1014 on May 12, 2009; and

WHEREAS, it was intended to remove any references to tree covenants in single family residential zones, but one subsection was inadvertently adopted; and

WHEREAS, it is appropriate to amend Ordinance 09-1014 to reflect the City Council's stated intent;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC,

WASHINGTON DO ORDAIN as follows:

Section 1. Section 15.14.160 of the SeaTac Municipal Code is hereby amended to read as follows:

15.14.160 Retention of Significant Trees within New Short Plats and Long Subdivisions in the Single-family Zones

Significant trees within new short plats and long subdivisions shall be retained as follows:

- A. If applicable, two (2) significant trees shall be saved within each new proposed lot within each new proposed short plat or long subdivision, unless an alternative allowed by SMC 15.14.166 is used. Significant trees located in the following areas are not required to be retained:
 1. Trees within the building footprint of a proposed residence and accessory structure (detached carport, garage, or accessory dwelling unit).
 2. Trees within any private access easement.
 3. Trees within any proposed utility easement.
- B. Significant trees to be retained shall be protected during the construction process for final short plat approval, during long plat approval, and during the construction of a residence on each lot as provided under SMC 15.14.170.

~~C.~~ ~~Until such time when ownership of the property is transferred as provided for under SMC 15.14.160 F. below, a covenant shall run with the property advising potential purchasers of significant trees to be retained that are located on-site. The text of this covenant shall be approved by the Director of Planning and Community Development.~~

~~D.C.~~ Any significant tree proposed to be retained that is removed during the final short plat or preliminary plat approval process, or during the construction of a residence on a lot, shall be mitigated as follows:

1. For each significant tree removed, two (2) deciduous trees, a minimum of two (2) inches in caliper measured at four (4) feet from its base at the time of planting; or
2. Two (2) evergreen trees with a minimum height of eight (8) feet, not including growth leaders; or
3. Any combination of the above, with a minimum of two (2) trees.
4. The following material will not be regarded as trees:
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 - b. Serviceberry (*Amelanchier*)
 - c. Arborvitae (Not including Western Red Cedar [*Thuja plicata*])
 - d. Any other tree that could be ~~either~~ considered a shrub.

~~E.D.~~ All trees required to be replanted shall be planted prior to the final inspection of the residence.

~~E.E.~~ No mitigation for the removal of significant trees shall be required once the builder of a single-family residence on any lot containing significant trees transfers ownership of the lot and residence to another party, or when a certificate of occupancy is issued to the same party.

Section 2. The City Clerk is directed to forward a copy of this Ordinance to the Washington State Department of Community, Trade and Economic Development within ten (10) days after adoption, and to the King County Assessor.

Section 3. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 4. The Ordinance shall be effective five (5) days after passage and publication.

ADOPTED this 26th day of May, 2009, and signed in authentication thereof on this 26th day of May, 2009.

CITY OF SEATAC

Ralph Shape, Mayor

ATTEST:

Kristina Gregg, City Clerk

Approved as to Form:

Mary Mirante Bartolo, City Attorney

[Effective Date 06/06/09]

[Amendment to Ordinance 09-1014]