

Next Ord: 1620-08
Next Res: 777-08

VISION STATEMENT

SEDRO-WOOLLEY IS A FRIENDLY CITY THAT IS CHARACTERIZED BY CITY GOVERNMENT AND CITIZENS WORKING TOGETHER TO ACHIEVE A PROSPEROUS, VIBRANT AND SAFE COMMUNITY

MISSION STATEMENT

TO PROVIDE SERVICES AND OPPORTUNITIES WHICH CREATE A COMMUNITY WHERE PEOPLE CHOOSE TO LIVE, WORK AND PLAY

CITY COUNCIL/PLANNING COMMISSION WORKSESSION

AGENDA

October 7, 2008

6:00 PM

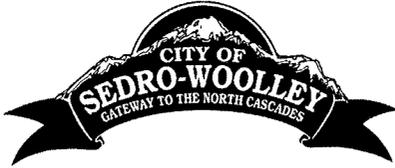
Sedro-Woolley Municipal Building

Council Chambers

325 Metcalf Street

- A. OPEN HOUSE: SR20 North Skagit Roundabout Project 6:00 - 8:00 PM
(Staff Contact – Mark Freiberger)

- B. Prioritization of Planning Commission work topics 8:00 PM
(Staff Contact – Jack Moore)



Building, Planning and Engineering Dept.

Sedro-Woolley Municipal Building

720 Murdock Street

Sedro Woolley, WA 98284

Phone (360) 855-0771

Fax (360) 855-0733

MEMO:

To: City Council
Mayor Anderson
Planning Commission

From: Jack Moore, *JM*
Planning Director & Building Official

Date: October 3, 2008

Subject: Prioritization of Planning Commission work topics

CITY COUNCIL
WORKSESSION

OCT 07 2008

AGENDA ITEM B

The attached list was generated at the last Planning Commission meeting and contains suggested topics for the Commission and Council to address.

The Planning Commission requests guidance from the Council in prioritizing these topics.

Please review the items and add any other suggestions you may have. At the meeting we will develop a work plan for the Planning Commission.

Prioritize Planning Commission Work Topics

- Adjust or clarify allowed uses in Industrial zone and which are conditional uses.
- Relocation of Industrial zones
- Amending Industrial Zone zoning to prohibit importing solid waste to the city-see attachment
- Revise code to include Heritage Tree Program or Urban Forestry Program- see attachment
- Reconfiguring the zoning map (possibly with a smaller Central Business District)
- Revise Public Works Standards to comply with Comprehensive Plan
- Improve the design review manual to improve streetscape
- Update Cell Tower standards
- Revise Central Business District Design Standards
- Should signs be designed after the architectural style of the building instead of the 1920's theme
- Gradation of scale for abutting zoning districts
- Designate responsible party for buffers between existing developments and new development.
- Overlay zones to protect existing historic homes including Design Standards for residential areas.
- Design review by staff. Planning Commission to be legislative only, but with appeals to be heard by the Planning Commission/Design Review Board.
- Creating a park fund for larger city-owned parks instead of many private small parks. See KaBoom Community Playspace attachment.
- _____
- _____
- _____
- _____

The following may not be items that the planning commission would work on but are suggestions to city council.

- Revisions to T.I.P. for replacement of concrete streets
- New Code Enforcement procedures
- Implement a payment plan for sewer general facility charges (for existing businesses)
- Budget for non-motorized transportation-Paint and/or mark bike paths along streets

EXHIBIT A

Created for the September 16th, 2008 Sedro-Woolley Planning Commission Meeting

City of Sedro-Woolley Planning Commissioners,

At the recent request of Sedro-Woolley Mayor, Mike Anderson, directed to the Planning Commission to review current zoning within the City as to individual zone uses and compatibility of zones with its surrounding and neighboring zones, I have made the determination that there is one major oversight in our Sedro-Woolley Municipal Code that needs to be addressed and corrected without any delay.

I propose the following change to our Sedro-Woolley Municipal Code as described below:

- Chapter 17.28 - INDUSTRIAL (I) ZONE
 - 17.28.010 - Use restrictions
 - C. - Prohibited Uses
 - The importation of any solid waste that originates from any source outside Sedro-Woolley City Limits into Sedro-Woolley City Limits or in quantities larger than 2.37 Cubic Feet at one single hauling.
 - Importation defined as:
 - Transporters moving waste from one site to another by highway, rail, water, or air.
 - Solid Waste defined as:
 - Solid waste means any garbage or refuse, sludge from a wastewater treatment plant, water supply treatment plant, or an air pollution control facility and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities. Solid waste does not include solid or dissolved materials in domestic sewage, solid or dissolved materials in irrigation return flows, industrial discharges that are point sources subject to permit under 33 U.S.C. 1342, or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923).
 - Or - Garbage (e.g., milk cartons and coffee grounds), Refuse (e.g., metal scrap, wall board, and empty containers), Sludge from a waste treatment plant, a water supply treatment plant, or an air pollution control facility (e.g., scrubber sludge). Other discarded material, including solid, semi-solid, liquid, or contained gaseous material resulting from industrial,

EXHIBIT B

Seattle Post-Intelligencer

http://seattlepi.nwsourc.com/local/243444_ncenter05.html

Rubber sidewalks add bounce to city foot traffic

Wednesday, October 5, 2005

By **KERY MURAKAMI**
SEATTLE POST-INTELLIGENCER REPORTER

There are rubber balls to bounce, rubber galoshes to keep your feet dry and rubber gloves for the nasty cleaning chores.

Now, in Seattle's South Park neighborhood and in a growing number of cities around the country, there are rubber sidewalks.

The other day, Eric Sweet, who lives in the neighborhood, was doing a test walk of the roughly 60-foot stretch of bluish-gray rubber panels that city transportation department crews finished installing last Friday.

"Wow," he said, taking tentative steps on the surface that was firm but had a little give. It was sort of like walking on used tires, from which the rubber panels are made. "They do feel different. It's kind of cool."

Liz Ellis, an arborist with the city's transportation department, championed bringing rubber sidewalks to Seattle after she read they were being tested in Santa Monica, Calif., and other cities.

She was intrigued not by the novelty of it. Nor did she want to give Seattleites a little extra bounce in their step as the winter gloom sets in.

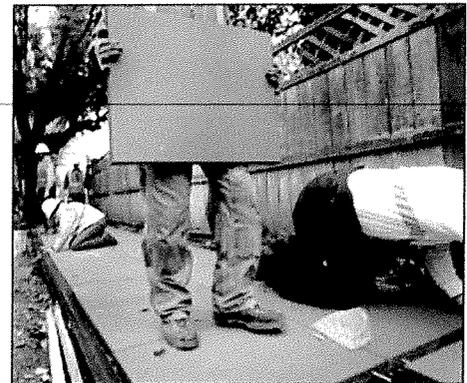
She pointed to a mound in the rubber sidewalk, raised by the roots growing from one of the red maple trees on the shady, lush street of small houses on Eighth Avenue South, between South Rose and South Thistle streets.

Across the street, where the sidewalk is concrete, the growing roots of another tree had already cracked it. "That (sidewalk) was just put in about a year ago," Ellis said.

The rubberized sidewalks are more elastic, so instead of cracking, they stretch, and have to be replaced less often and are cheaper to fix, Ellis said.

She doesn't know whether the sidewalks of Seattle will someday be paved in rubber. They are being tested only in the small stretch on the one street because it is still relatively new.

Santa Monica was the first city to install them in 1998.



zoom

Karen Ducey / P-I

Crews from Rubbersidewalks Inc. install rubberized panels at Eighth Avenue South and South Rose Street in South Park. Five recycled tires are used in each panel, 57 of which make up this test walkway. The sidewalks are more elastic than concrete ones, stretching to accommodate growing tree roots, and don't have to be replaced as often, saving costs.

At \$8.70 a square foot, the rubber plates cost about \$2 more a square foot to install than a regular concrete or asphalt sidewalk, Ellis acknowledged.

The test patch in South Park cost the city \$8,000.

Over time, she said, the extra cost might be offset by the fact that cracked sidewalks won't have to be replaced as often.

Richard Valeriano, Santa Monica's senior street maintenance inspector, said it's still too early to know the long-term cost of the rubberized sidewalks. But, he said, the labor costs of replacing them runs about \$1.50 square foot instead of the \$8 to \$12 it costs to break up and replace concrete. Santa Monica has installed them at about 50 sites, Valeriano said.

Dan Joyce, a principal at the Gardena, Calif.-based rubber sidewalk manufacturer Rubbersidewalks Inc., said 80 cities in eight states are trying rubberized sidewalks. Tacoma and Olympia are among them.

Butting up against concrete sidewalks can damage tree roots, and Seattle occasionally has to remove the trees, Ellis said. She came across the rubberized sidewalks after grappling with the same issue that inspired the company to develop the technology -- to get trees and sidewalks to coexist. "If you care about sustainability, you have to try to get the most life out of what you have," she said.

Each of the 57 rubber panels installed, she said, is made of five recycled tires. "That's a big mountain of tires that won't be going into a landfill," she said.

Joyce said the company's founder, Lindsay Smith, a screenwriter, got the idea when she was upset that Los Angeles County crews were going to rip out trees in her neighborhood and discovered that Santa Monica County was experimenting with rubberized sidewalks.

Sweet, the man who was walking down the street, had one worry. He slid his sneakered foot across the rubberized sidewalk and wondered if it would become as slick as a Wham-O Slip 'N Slide when it rains.

Valeriano, though, said Santa Monica tested the sidewalk with skateboarders, rollerbladers and women in high heels and found the rubber has more traction than concrete.

Said Debbie McNeil, who is active with the South Park Neighborhood Association, "We want to keep as many street trees here as possible. But we also want sidewalks that don't trip us."

P-I reporter Kery Murakami can be reached at 206-448-8131 or kerymurakami@seattlepi.com.

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EXHIBIT C

KaBOOM! Community Playspace

KaBOOM! is a national non-profit organization that envisions a great place to play within walking distance of every child in America. Celebrating twelve years of service in 2008, we rally communities to achieve better public policy, funding and public awareness for increased play opportunities nationwide; provide resources, including trainings, challenge grants, and publications for communities that wish to plan a new playspace on their own; and bring together children, business and community interests for a select number of community playspace builds each year.

Girl Scouts can help KaBOOM! by locating play spaces within their community. By doing so, you'll raise awareness about great and not-so great places to play so that KaBOOM! and communities can start making improvements! The KaBOOM! Playspace Finder is an online directory of all playspaces in North America. By completing the KaBOOM! requirements, Girl Scouts may earn a participation patch.

For more information visit www.kaboom.org <<http://www.kaboom.org/>> and click on the Girl Scouts Patches <<http://kaboom.org/FunStuff/GirlScoutsParticipantPatchProgram/tabid/575/Default.aspx>> link under Fun Stuff.

EXHIBIT D

PlantAmnesty's

Seattle Heritage

Tree Program

The Heritage Tree Program recognizes and celebrates Seattle trees on either private property or in City Parks that are historic, neighborhood landmarks, and just really fine. The categories for Heritage Trees are:

SPECIMEN: A tree of exceptional size, form, or rarity.

HISTORIC: A tree recognized by virtue of its age, its association with or contribution to a historic structure or district, or its association with a noted person or historic event.

LANDMARK: Trees that are community landmarks.

COLLECTION: Several trees in a notable grove, avenue, or other planting.

Take the Heritage Tree Tour!

For a listing of *Heritage Trees* go to:

www.cityofseattle.net/td/plantamne.asp



PlantAmnesty

PO Box 15377

Seattle, WA 98115-0377

206-783-9813

info@plantamnesty.org

<http://www.plantamnesty.org/>



Heritage Tree Nomination Form

Anyone may nominate a tree. The owner's approval is needed for Heritage Tree designation. To nominate a tree, fill out the following and return to the Heritage Tree Committee . Please print legibly.

Nominator's Name _____

Address _____ City _____ State _____ Zip _____

Phone _____ Email _____

Today's Date _____ Tree Species/Common Name _____

Please indicate if this nomination is for an individual tree or a group of trees. Use a separate page for each tree or one page for a group nomination.

Location of the tree in Seattle. (Give the address and nearest cross streets)

(If possible please attach a photo of the tree and a map showing the tree on the site. Indicate which direction is North.)

Owner's Name _____

Owner's Address _____ City _____ State _____

Zip _____ Phone _____ E-mail _____

Measured or Approximate size:

Circumference of trunk at 4.5 feet above ground _____ Height _____

Why is this tree special?

Nominating a tree provides recognition of a tree's intrinsic worth and value to the community.

Urban Forest Restoration

What is the urban forest?

Seattle, "The Emerald City", is a great, green region known for its parks, gardens, greenbelts, street plantings – all of which make up the urban forest.



Seattle is now growing its second to third city forest. Once Seattle was heavily forested. In fact, the first mayor owned the sawmill. As the city grew, though, most trees were cleared for firewood or lumber, except for those on steep hills and in ravines. Some of these areas, owned by the City such as parks or greenbelts, remain forested today.

Street trees, of course, are different from those areas that were originally forested. Very few street trees were planted before 1900 and most of the older trees in Queen Anne and on Capitol Hill weren't planted much before 1920. These are some of the City's most valued and grandest trees - but many are nearing the end of their natural lifespan and will need to be replaced. Another challenge to maintaining a sustainable urban forest in Seattle is balancing the interests of the entire community when healthy, mature trees grow into a view corridor. And one of the most urgent problems is that the majority of Seattle's woodlands are heavily invested with ivy, blackberries, holly and other invasive plant species that squeeze out the native trees and undergrowth.

How does the City manage the urban forest?

Several different City departments share responsibility for the city's urban forest but the two most important are Seattle Department of Transportation which is responsible for street trees and rights of way, and the Parks and Recreation Department which manages thousands of acres of City property, most of which includes trees. All of the City departments whose work involves the health of the urban forest meet regularly as the Urban Forest Coalition to help ensure good communication and do joint problem solving. In addition to Parks and Seattle Department of Transportation, the coalition includes representatives from Seattle City Light, Seattle Public Utilities, Fleets and Facilities, the Department of Neighborhoods, Seattle Center, the Department of Planning and Development and the Office of Sustainability & Environment.



Urban Forest Coalition Vision Statement

Seattle's urban forest is a thriving and sustainable mix of tree species and ages that creates a contiguous healthy ecosystem, valued and cared for by the City and all it's citizens as a vital environmental, economic and community asset.

How does an urban forest contribute to sustainability?

A tree in a community is everything; a source of beauty, an air purifier, a heat modifier, a soil stabilizer, wildlife habitat and even adding to property value.

Trees are an essential part of a healthy urban environment; their root systems hold soil in place, preventing erosion. A city's urban forest can reduce peak storm runoff by 10 to 20 percent, according to the USDA Forest Service. Trees help maintain healthy air quality by absorbing, or sequestering, carbon dioxide and converting it into oxygen to breathe. One acre of trees provides enough oxygen for 18 people, and absorbs as much carbon dioxide as a car produces in 26,000 miles. Trees also remove sulfur dioxide and nitrogen oxide, two major components of acid rain and ozone pollution, from the air. Trees reduce noise pollution by acting as a buffer and absorbing urban noise.

Added to all the environmental and health benefits of urban trees are the economic value that they add: mature trees raise property values by up to 20 percent, according to the American Forestry Association. And, trees contribute to a community's well being, giving a neighborhood a sense of home, framing views and creating feelings of relaxation and comfort – and homes for birds and other wildlife! A healthy and sustainable urban forest is truly a fundamental part of the Seattle community.



investment worth keeping!

Of course, all the benefits of trees – environmental, health, economic and aesthetic – really only occur once a tree starts to mature, thus underlining the fact that a healthy city tree is an

A Few Facts

- 1 Seattle's street trees consist of a mix of species; diverse composition reduces the risk of major losses to diseases. Twenty-five percent of street trees are ornamental plums or cherries, 13.5 percent are Sweetgum and 13 percent are Norway maple.
- 1 Since 1999, more than 30,000 trees have been planted in Seattle's parks, boulevards and rights of ways.
- 1 The best time to plant trees is in the fall. If you plant in the spring, and with all new trees for the first 2-3 years, be sure to provide plenty of water during the summer. We recommend a minimum of 5 gallons of water per diameter inch of trunk at least once a week.
- 1 Seattle's canopy cover, a good indicator of the benefits and services provided by trees, is estimated to be 25 percent with satellite images from 1972, 1986 and 1996 showing a substantial reduction in the area of heavy tree cover.
- 1 A 2000 survey of Seattle residents showed that, despite increased urban density, over 80 percent of respondents consider Seattle a green city.
- 1 According to a report done for the City, the average pruning cycle of 19 years for Seattle's street trees is well above the 9.9-year average for 14 comparison cities.
- 1 Trees also reduce heat loss in winter. Strategically planted conifers can buffer a building from chilly winter winds, and create a dead air space to prevent heat loss.

Contact us

24-hour tree emergencies: 386-1218

- 1 If it's about planting, pruning or removing trees along streets contact the City Arborist at 684-7649 or tree@seattle.gov. For Heritage Trees or trees in traffic circles, call 684-5008.
- 1 Questions about street trees that will be affected by development should go to the Landscape Architect's Office at Seattle Department of Transportation 684-5693.
- 1 If the tree is in a City park, greenbelt or along a boulevard, contact the Parks and Recreation Department at 684-4113.
- 1 For rules on trees on private property affected by development, contact the Department of Planning and Development at 864-8372.
- 1 When trees are interfering with power lines, contact Seattle City Light at 386-1663

More Useful Information About Seattle's Trees

- 1 Our goal is the "right tree in the right place, so in most cases a no-fee permit is required to plant a tree in a city planting strip or other right of way. Call 684-7649 for more information. In addition to a free permit, we'll provide assistance on plant selection, placement and proper planting and maintenance techniques.
- 1 Seattle Department of Transportation maintains street trees that are planted by the City. All other trees are the responsibility of the adjacent property owner.
- 1 A street use permit is required to prune or remove any tree in a right of way. Call 684-7649 for more information.
- 1 Free trees (10 to 40) for residential streets are available to community groups through the Department of Neighborhoods. Call 684-0464

SEATTLE.GOV City Services Departments Staff Directory About Seattle.gov City Contacts

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A vibrant Seattle through transportation excellence Grace Crunican, Director

SERVICES ▾ PROJECTS ▾ PLANNING ▾ RESOURCES ▾ EVENTS NEWS SITE INDEX

Community Tree Program

Urban Forestry
Arborist's Office

206-684-TREE
(8733)

Free Street Trees

Street Tree Planting
Procedures

Permit Application
to Plant a Tree

Tree Pruning and
Removal Permits

Tree Service
Companies With An
Annual Permit

Tree Pruning Guide

Tree Pruning /
Removal Permit
Request

Landscape
Architecture

Seasonal Tree Care

Utility/Tree
Inspections

Heritage Tree
Program

Seattle Tree
Inventory

Landscape
Architecture &
Natural Systems

In The News

Urban Forestry
Class and Resources

A City Among the
Trees

Gardening and
Urban Forestry
Links

Traffic Circles

Trees are the answer to global warming!

When it comes to reducing the impacts of global warming, there is no substitute for responsible behavior. Planting trees can help lessen some of the problems that face us today while providing benefits that enhance our neighborhoods and our lives.

Thanks to the voter-supported Bridging the Gap initiative, SDOT is planting over 800 street trees per year. That can be good news for your neighborhood.

SDOT is interested in finding neighborhoods where we can plant about 100 trees within (about) a 4 to 5-square block area. These trees will be planted, watered through establishment, and maintained by SDOT.

If your neighborhood has curbed planting strips that are a minimum of 5' wide, you may be eligible to receive these free trees.

Trees re-absorb carbon dioxide out of the air. They can help reduce energy needs, by cooling homes in summer and blocking cold winds in the winter. They capture storm water and filter dust and dirt from the sky. They beautify our neighborhoods, encourage song birds and help increase property values.

Call 684-TREE (8733) if your neighborhood is interested in "growing solutions" by planting trees.

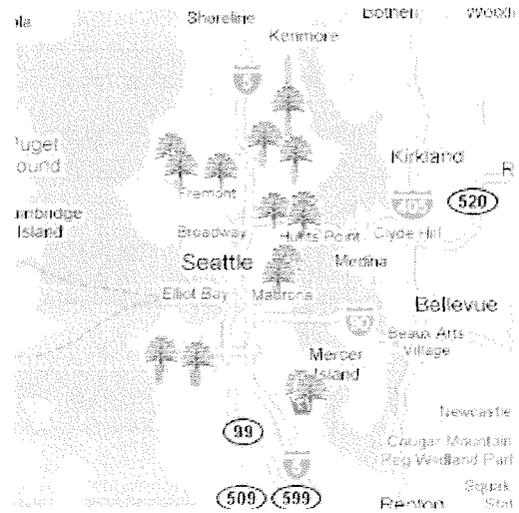


Some neighborhoods that have received trees:

- Ballard
- 49th Av SW

Rainier Valley

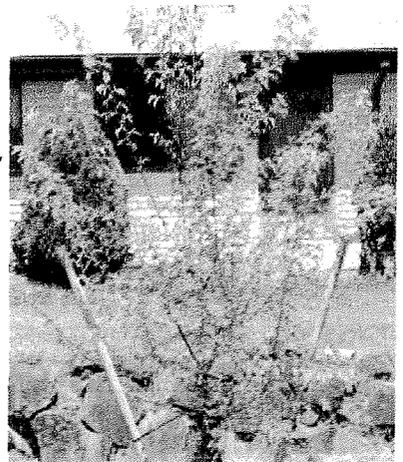
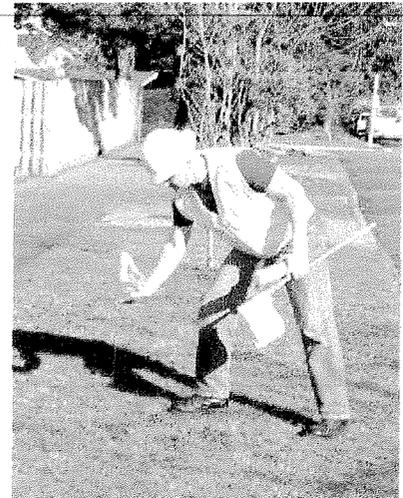
35th Ave NE



View Larger Map

Process from A (application) to T (trees)

- A - Apply – please see the following [guidelines](#) to verify that the location you have in mind is suitable
- Enter information about your site into our [on-line form](#), or suggest a project location by calling 684-TREE (8733)
- Urban Forestry team goes out and reviews site suggested
- Urban Forestry compares location with others submitted
- If your site is selected, a team will mark proposed tree locations in white paint on the curb line and “plant” small white flags where trees will likely be located
- A [door hanger](#) which gives general information about the project, and lists available tree types will be placed on doorknobs of neighborhood houses
- Neighbors give us feedback
- Trees will be planted in March/April in the spring and in November/December in the fall.
- Water bags will be installed on trees late in the spring, and filled once a week throughout the summer (as shown in this picture). We may ask that neighbors add water to the bags once a week, if the weather is exceptionally hot and dry.
- Water bags will be installed each spring for three years. Urban Forestry crews will be responsible for pruning the trees as needed
- T - Trees: By year three or four, the trees should be well established and on their way to creating a lovely canopy that will beautify your neighborhood for the years to come! Should any of the trees appear damaged or infected, please call us immediately at: 684-TREE (8733)



Tree planting guidelines:

Does your neighborhood fit the requirements?

- There must be a minimum of 5' planting strip from the curb to the sidewalk.
- There must be a curb, if there is no curb, planting may be possible as long as there is a sidewalk.
- The area to be planted should preferably accommodate a minimum of 50 trees.

To estimate the number of trees that could be planted in your suggested location:

- If there are overhead power lines, then small trees will be planted 20'- 25' apart.
- If there are *no* overhead power lines, then medium sized trees will be planted 35' - 40' apart
- If trees are to be planted on both sides of the street, approximately 12 to 20 trees would be planted per block
- If trees are planted on just one side of the street, approximately 6 to 10 trees would be planted per block.

**BGT Community Trees
Location Suggestion Form**

I would like to suggest my neighborhood as a potential location for planting trees

Name: _____

Location:
(Example: Mercer Street from Queen Anne Ave to 6th Ave West)

Overhead power lines? yes no

Number of Blocks

Plant both sides of blocks yes no

Plant one side of blocks yes no

Estimated number of trees
(see guidelines above)

If we have questions, how may we contact you?

E-mail: _____

Phone: _____

Or phone (206) 684-TREE (8733) to suggest a project location



City of Seattle Legislative Information Service

Information updated as of September 16, 2008 8:19 AM

Council Bill Number: 112965

Ordinance Number: 119791

AN ORDINANCE relating to land use and zoning, amending Sections 23.22.020, 23.22.054, 23.24.020, 23.24.040, 23.41.014, 23.44.014, 23.45.014, and 23.45.056 of the Seattle Municipal Code to provide for the added protection of trees during the development process.

Date introduced/referred: October 18, 1999

Date passed: December 6, 1999

Status: Passed As Amended

Vote: 9-0

Date of Mayor's signature: December 13, 1999

(about the signature date)

Committee: Business, Economic and Community Development

Sponsor: DRAGO

Index Terms: LAND-USE-CODE, LAND-USE-REGULATIONS, LAND-USE-PERMITS, TREES

References/Related Documents: Amending: Ord 118012, 110570, 119239, 119399, 119242, 118414

Text

AN ORDINANCE relating to land use and zoning, amending Sections 23.22.020, 23.22.054, 23.24.020, 23.24.040, 23.41.014, 23.44.014, 23.45.014, and 23.45.056 of the Seattle Municipal Code to provide for the added protection of trees during the development process. NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection A of Section 23.22.020 of the Seattle Municipal Code, as last amended by Ordinance 118012, is further amended as follows:

23.22.020 Content of preliminary plat application.

A. Every preliminary plat application shall consist of one (1) or more maps together with written data including the following:

1. The name of the proposed subdivision;
2. North point and scale; the location of existing property lines; streets, building, if any; watercourses and all general features;

3. The legal description of the land contained within the subdivision;
4. The names and addresses of all persons, firms and corporations holding interest in the lands, including easement rights and interest;
5. The proposed names, locations, widths and other dimensions of proposed streets, alleys, easements, parks, lots, building lines, if any, and all other information necessary to interpret the plat, including the location of existing utility and access easements which are to remain;
6. The location of streets in adjoining plats and the approximate location of adjoining utilities and proposed extensions into the plat;
7. The names of adjoining plats;
8. The name, address and telephone number and seal of the registered land surveyor who made the survey or under whose supervision it was made;
9. The date of the survey;
- ~~10. All existing monuments and markers located by the survey;~~
11. The zoning classification applicable to the land within the subdivision;
12. The conditions of or the limitations on dedications, if any, including slope rights;
13. Contour intervals as required, based upon City datum;
14. Property information including, but not limited to, address, legal description, and Assessor's Parcel number;
15. Evidence of ownership or authorization from the property owner to make the application;
16. A signed statement of financial responsibility by the applicant and owner acknowledging financial responsibility for all applicable permit fees;
17. Drainage plan;
18. Landscape plan; ~~and~~
19. Identification of any adjacent property within three hundred (300) feet of the proposed subdivision that is owned or controlled by the applicant; and
20. Specific location and description of all trees at least six (6) inches in diameter measured four and one-half (4 1/2) feet above the ground, with species indicated

Section 2. Section 23.22.054 of the Seattle Municipal Code, as last amended by Ordinance 118012, is further amended as follows:

23.22.054 Public use and interest.

The Hearing Examiner shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. The Hearing Examiner shall consider all relevant facts to determine whether the public interest will be served by the subdivision and dedication, and if it finds that the proposed plat makes appropriate provision for the public health, safety and general welfare and for open spaces, drainage ways, streets, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, fire protection facilities, parks, playgrounds, sites for school and school grounds, sidewalks and other planning features that assure safe walking conditions for students who walk to and from school, is designed to maximize the retention of existing trees, and that the public use and interest will be served by the platting of subdivision, then it shall be approved. If the Hearing Examiner finds that the proposed plat does not provide the appropriate elements or that the public use and interest will not be served, then the Hearing Examiner may disapprove the proposed plat. Dedication of land to any public body may be required as a condition of subdivision approval and shall be clearly shown on the final plat. The Hearing Examiner shall not as a condition to the approval of any plat require a release from damages to be procured from other property owners.

Section 3. ~~Section 23.24.020 of the Seattle Municipal Code, as adopted by Ordinance 110570, is amended as follows:~~

23.24.020 Content of application.

Applications for approval of a short subdivision shall include the following:

- A. A plat of the proposed short subdivision containing standard survey data;
- B. A vicinity map on which shall be indicated the property to be subdivided;
- C. A plot plan, as appropriate, showing the location and dimensions of existing buildings in relation to the proposed short subdivision;
- D. Legal descriptions of the property to be subdivided and of all proposed lots or divisions;
- E. Name and address of owner(s) of the tract;
- F. Location of existing roadways, sanitary sewer, storm drain and water mains, if any, together with proposed street improvements;
and
- G. Specific location and description of all trees and shrubs at least six (6) inches in diameter measured four and one-half (4 1/2) feet above the ground, with species indicated.

Section 4. Subsection A of Section 23.24.040 of the Seattle Municipal Code, as last amended by Ordinance 119239, is further amended as follows:

23.24.040 Criteria for approval.

- A. The Director shall, after conferring with appropriate officials,

use the following criteria to determine whether to grant, condition or deny a short plat:

1. Conformance to the applicable Land Use Policies and Land Use Code provisions;
2. Adequacy of access for vehicles, utilities and fire protection as provided in Section 23.53.005;
3. Adequacy of drainage, water supply and sanitary sewage disposal;
4. Whether the public use and interests are served by permitting the proposed division of land;
5. Conformance to the applicable provisions of SMC Section 25.09.240, Short subdivisions and subdivisions, in environmentally critical areas;
6. Is designed to maximize the retention of existing trees;
7. Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.

Section 5. Subsection B of Section 23.41.014 of the Seattle Municipal Code, as last amended by Ordinance 119399, is further amended as follows:

23.41.014 Design review process.

B. Early Design Guidance Public Meeting.

1. Following a preapplication conference, and site visits by Design Review Board members assigned to review a proposed project, an early design guidance public meeting with the Design Review Board shall be held.
2. The purpose of the early design guidance public meeting shall be to identify concerns about the site and the proposed project, review the design guidelines applicable to the site, determine neighborhood priorities among the design guidelines, and explore design concepts and/or options.
3. At the early design guidance public meeting, the project proponents shall present the following information:
 - a. An initial site analysis addressing site opportunities and constraints, the use of all adjacent buildings, and the zoning of the site and adjacent properties; and
 - b. A drawing of existing site conditions, indicating topography of the site and the location of structures and prominent landscape elements on or abutting the site (including but not limited to all trees six inches (6") or greater in diameter measured four and a half feet (4 1/2') above the ground, with species indicated); and

c. Photos showing the facades of adjacent development, trees on the site, general streetscape character and territorial or other

views from the site, if any; and

- d. A zoning envelope study which includes a perspective drawing; and
- e. A description of the proponent's objectives with regard to site development.

4. The proponent is encouraged, but not required, to bring one (1) or more development concepts or alternatives to indicate possible design options for the site.

Section 6. Subsection D of Section 23.44.014 of the Seattle Municipal Code, as last amended by Ordinance 119239, is further amended as follows:

23.44.014 Yards.

D. Exceptions from Standard Yard Requirements. No structure shall be placed in a required yard except pursuant to the following subsections:

1. Certain Accessory Structures. Any accessory structure may be constructed in a side yard which abuts the rear or side yard of another lot, or in that portion of the rear yard of a reversed corner lot within five (5) feet of the key lot and not abutting the front yard of the key lot, upon recording with the King County Department of Records and Elections an agreement to this effect between the owners of record of the abutting properties. Any accessory structure which is a private garage may be located in that portion of a side yard which is either within thirty-five (35) feet of the centerline of an alley or within twenty-five (25) feet of any rear lot line which is not an alley lot line, without providing an agreement as provided in Section 23.44.016.

2. A single-family structure may extend into one (1) side yard if an easement is provided along the side or rear lot line of the abutting lot, sufficient to leave a ten (10) foot separation between that structure and any principal or accessory structures on the abutting lot. Features and projections such as porches, eaves, and chimneys shall be permitted in the ten (10) foot separation area as if the property line were five (5) feet from the wall of the house on the dominant lot, provided that no portion of either principal structure including eaves shall cross the actual property line. The easement shall be recorded with the King County Department of Records and Elections. The easement shall provide access for normal maintenance activities to the principal structure on the lot with less than the required side yard.

3. Certain Additions. Certain additions may extend into a required yard when the existing single-family structure is already nonconforming with respect to that yard. The presently nonconforming portion must be at least sixty (60) percent of the total width of the respective facade of the structure prior to the addition. The line formed by the nonconforming wall of the structure shall be the limit to which any additions may be built, except as described below. They may extend up to the height limit and may include basement additions. New additions to the nonconforming wall or walls shall comply with the following requirements (Exhibit 23.44.014A):

- a. Side Yard. When the addition is a side wall, the existing wall

line may be continued by the addition except that in no case shall the addition be closer than three (3) feet to the side lot line;

b. Rear Yard. When the addition is a rear wall, the existing wall line may be continued by the addition except that in no case shall the addition be closer than twenty (20) feet to the rear lot line or centerline of an alley abutting the rear lot line;

c. Front Yard. When the addition is a front wall, the existing wall line may be continued by the addition except that in no case shall the addition be closer than fifteen (15) feet to the front lot line;

d. When the nonconforming wall of the single-family structure is not parallel or is otherwise irregular, relative to the lot line, then the Director shall determine the limit of the wall extension, except that the wall extension shall not be located closer than specified in subsections D3a-c above.

4. Uncovered Porches. Uncovered, unenclosed porches or steps may project into any required yard, provided that they are no higher than four (4) feet on average above existing grade, no closer than three (3) feet to any side lot line, no wider than six (6) feet and project no more than six (6) feet into required front or rear yards.

~~5. Special Features of a Structure. Special features of a structure may extend into required yards subject to the following standards only, unless permitted elsewhere in this chapter:~~

a. External architectural details with no living area, such as chimneys, eaves, cornices and columns, may project no more than eighteen (18) inches into any required yard;

b. Bay windows shall be limited to eight (8) feet in width and may project no more than two (2) feet into a required front, rear, and street side yard;

c. Other projections which include interior space, such as garden windows, may extend no more than eighteen (18) inches into any required yard, starting a minimum of thirty (30) inches above finished floor, and with maximum dimensions of six (6) feet tall and eight (8) feet wide;

d. The combined area of features permitted in subsections D5b and c above may comprise no more than thirty (30) percent of the area of the facade.

6. Private Garages, Covered Unenclosed Decks or Roofs Over Patios in Rear Yards.

a. Any attached private garages or covered, unenclosed decks or roofs over patios are portions of principal structures. They may extend into the required rear yard, but shall not be within twelve (12) feet of the centerline of any alley, nor within twelve (12) feet of any rear lot line which is not an alley lot line, nor closer than five (5) feet to any accessory structure. The height of private garages shall meet the provisions of Section 23.44.016D2 and the height of the roof over unenclosed decks and patios may not exceed twelve (12) feet. The roof over these decks, patios and garages shall not be used as a deck. Any detached private garage meeting the requirements of Section 23.44.016, Parking location and access, or detached permitted accessory structure

meeting the requirements of Section 23.44.040, General provisions, may be located in a rear yard. If a private garage has its vehicular access facing the alley, the private garage shall not be within twelve (12) feet of the centerline of the alley.

b. Garages meeting the standards of Section 23.44.016 and other accessory structures meeting the standards of Section 23.44.040, shall be permitted in required rear yards, subject to a maximum combined coverage of forty (40) percent of the required rear yard. In the case of a rear yard abutting an alley, rear yard coverage shall be calculated from the centerline of the alley.

7. Private Garages in Front Yards of Through Lots. On through lots less than one hundred twenty-five (125) feet in depth, either an accessory garage structure or a portion of the principal structure containing a garage shall be permitted to locate in one (1) of the front yards. Private garages, either as accessory structures or as a portion of the principal structure, shall be limited as set forth in Section 23.44.016. The front yard in which the garage may be located shall be determined by the Director based on the location of other accessory garages on the block. If no pattern of garage location can be determined, the Director shall determine in which yard the accessory garage shall be located based on the prevailing character and setback patterns of the block.

8. Access Bridges. Uncovered, unenclosed pedestrian bridges of any height, necessary for access and five (5) feet or less in width, are permitted in required yards except that in side yards an access bridge must be at least three (3) feet from any side lot line.

9. Barrier-free Access. Access facilities for the disabled and elderly meeting Washington State Building Code, Chapter 11 are permitted in any required yards.

10. Freestanding Structures and Bulkheads.

a. Fences, freestanding walls, signs and similar structures six (6) feet or less in height above existing or finished grade, whichever is lower, may be erected in any required yard. The six (6) foot height may be averaged along sloping grade for each six (6) foot long segment of the fence, but in no case may any portion of the fence exceed eight (8) feet. Architectural features may be added to the top of the fence or freestanding wall above the six (6) foot height when the following provisions are met: horizontal architectural feature(s), no more than ten (10) inches high, and separated by a minimum of six (6) inches of open area, measured vertically from the top of the fence, may be permitted when the overall height of all parts of the structure, including post caps, are no more than eight (8) feet high; averaging the eight (8) foot height is not permitted. Structural supports for the horizontal architectural feature(s) may be spaced no closer than three (3) feet on center.

b. The Director may allow variation from the development standards listed in subsection D10a above, according to the following:

~~11~~(1) No part of the structure may exceed eight (8) feet; and

~~11~~(2) Any portion of the structure above six (6) feet shall be predominately open, such that there is free circulation

of light and air.

c. Bulkheads and retaining walls used to raise grade may be placed in any required yard when limited to six (6) feet in height, measured above existing grade. A guardrail no higher than forty-two (42) inches may be placed on top of a bulkhead or retaining wall existing as of the date of the ordinance codified in this section. If a fence is placed on top of a new bulkhead or retaining wall, the maximum combined height is limited to nine and one-half (9-1/2) feet.

d. Bulkheads and retaining walls used to protect a cut into existing grade may not exceed the minimum height necessary to support the cut or six (6) feet, whichever is greater. When the bulkhead is measured from the low side and it exceeds six (6) feet, an open guardrail of no more than forty-two (42) inches meeting Building Code requirements may be placed on top of the bulkhead or retaining wall. A fence must be set back a minimum of three (3) feet from such a bulkhead or retaining wall.

e. When located in the shoreline setbacks or in view corridors in the Shoreline District as regulated in Chapter 23.60, these structures shall not obscure views protected by Chapter 23.60 and the Director shall determine the permitted height.

11. ~~Decks in Yards. Decks no greater than eighteen (18) inches above existing or finished grade, whichever is lower, may extend into required yards.~~

12. Heat Pumps. Heat pumps and similar mechanical equipment, not including incinerators, may be permitted in required yards if the requirements of the Noise Control Ordinance, Chapter 25.08, are not violated. Any heat pump or similar equipment shall not be located within three (3) feet of any lot line.

13. Solar Collectors. Solar collectors may be located in required yards, subject to the provisions of Section 23.44.046.

14. Front Yard Projections for Structures on Lots Thirty (30) Feet or Less in Width. For a structure on a lot which is thirty (30) feet or less in width, portions of the front facade which begin eight (8) feet or more above finished grade may project up to four (4) feet into the required front yard, provided that no portion of the facade, including eaves and gutters, shall be closer than five (5) feet to the front line (Exhibit 23.44.014 B).

15. Front and rear yards may be reduced by twenty-five (25) percent, but no more than five (5) feet, if the site contains a required environmentally critical area buffer or other area of the property which can not be disturbed pursuant to subsection A of Section 25.09.280 of SMC Chapter 25.09, Regulations for Environmentally Critical Areas.

16. Arbors. Arbors may be permitted in required yards under the following conditions:

a. In any required yard, an arbor may be erected with no more than a forty (40) square foot footprint, measured on a horizontal roof plane inclusive of eaves, to a maximum height of eight (8) feet. Both the sides and the roof of the arbor must be at least fifty (50) percent open, or, if latticework is used, there must be a minimum opening of

two (2) inches between crosspieces.

b. In each required yard abutting a street, an arbor over a private pedestrian walkway with no more than a thirty (30) square foot footprint, measured on the horizontal roof plane and inclusive of eaves, may be erected to a maximum height of eight (8) feet. The sides of the arbor shall be at least fifty (50) percent open, or if latticework is used, there must be a minimum opening of two (2) inches between crosspieces.

17. Protection of Trees. Front yards may be reduced to protect existing trees in rear yards and rear yards may be reduced to protect existing trees in front yards. To qualify for this exception, the tree(s) shall be at least six (6) inches in diameter, measured four and one-half (4 1/2) feet above the ground. The tree must also be in a condition and location such that it will not present a hazard to life or property following site development, and can be expected to remain healthy for at least twenty years as determined by a qualified tree care professional.

a. Upon the request of the applicant, the Director shall permit the applicant to move the proposed development activity and other land disturbance activity and obtain up to a five (5) foot reduction in front or rear yard requirements when this would be sufficient to protect an existing tree as determined by a qualified tree care professional.

b. Any yard reduction greater than five (5) feet to protect a tree shall require approval through a tree protection special exception. Notice of application and review process and procedures for this special exception and of the Director's decision on the application shall be provided in the manner prescribed for Type II land use decisions as set forth in SMC Chapter 23.76. A tree protection special exception shall be authorized only when all the following facts and conditions are found to exist:

(1) The applicable yard requirements would make it impossible to protect existing tree(s) without causing undue hardship; and

(2) The requested yard reduction does not go beyond the minimum necessary to protect the tree(s) as determined by a qualified tree care professional; and

The yard reduction will not result in a development that is materially detrimental to the character, design and streetscape of the surrounding neighborhood, considering such factors as height, bulk, scale, yards, pedestrian environment, and amount of vegetation remaining.

Section 7. New subsection I of Section 23.45.014 of the Seattle Municipal Code, as last amended by Ordinance 119242, is added as follows:

23.45.014 Setback requirements - Lowrise zones.

I. Protection of Trees. Front setbacks may be reduced to protect existing trees in rear setbacks and rear setbacks may be reduced to protect existing trees in front setbacks. To qualify for this exception, the tree(s) shall be at least six (6) inches in diameter, measured four and one-half (4 1/2) feet above the ground. The tree

must also be in a condition and location such that it will not present a hazard to life or property following site development, and can be expected to remain healthy for at least twenty years as determined by a qualified tree care professional.

1. Upon the request of the applicant, the Director shall permit the applicant to move the proposed development activity and other land disturbance activity and obtain up to a five (5) foot reduction in front or rear setback requirements when this would be sufficient to protect an existing tree as determined by a qualified tree care professional.

2. Any setback reduction greater than five (5) feet to protect a tree shall require approval through a tree protection special exception. Notice of application and review process and procedures for this special exception and of the Director's decision on the application shall be provided in the manner prescribed for Type II land use decisions as set forth in SMC Chapter 23.76. A tree protection special exception shall be authorized only when all the following facts and conditions are found to exist:

a. The applicable setback requirements would make it impossible to protect existing tree(s) without causing undue hardship; and

b. The requested setback reduction does not go beyond the minimum necessary to protect the tree(s) as determined by a qualified tree care professional; and

c. The setback reduction will not result in a development that is materially detrimental to the character, design and streetscape of the surrounding neighborhood, considering such factors as height, bulk, scale, setbacks, pedestrian environment, and amount of vegetation remaining.

Section 8. Subsection D of Section 23.45.056 of the Seattle Municipal Code, as last amended by Ordinance 118414, is further amended as follows:

23.45.056 Midrise - Setback requirements.

D. General Setback Exceptions.

1. Required Setbacks for Cluster Developments.

a. Where two (2) or more principal structures are located on a lot, the required setback between those portions of interior facades which face each other shall be as follows:

Length of Facing Setback Portions of Facades (in feet)	Average Setback (in feet)	Minimum (in feet)
40 or less	15	15
41-60	20	15
61-80	25	15
81-100	30	15
101-150	40	15
151 or more	50	15

b. Structures in cluster developments may be connected by underground garages or elevated walkways; provided, that:

(1) One (1) elevated walkway shall be permitted to connect any two (2) structures in the development;

(2) Additional elevated walkways, in excess of one (1), between any two (2) structures may be permitted by the Director when it is determined that by their location or design a visual separation between structures is maintained;

(3) All elevated walkways shall meet the following standards:

i. The roof planes of elevated walkways shall be at different levels than the roofs or parapets of connected structures.

ii. Walkways shall be set back from street lot lines and the front facades of the structures they connect, and whenever possible shall be located or landscaped so that they are not visible from a street.

iii. The design of the walkways and the materials used shall seek to achieve a sense of openness and transparency.

iv. Elevated walkways shall add to the effect of modulation rather than detract from it.

2. Structures in Required Setbacks.

a. Detached garages, carports or other accessory structures are permitted in the required rear or side setbacks, provided that any accessory structure located between a principal structure and the side lot line shall provide the setback required for the principal structure (Exhibit 23.45.056 D). All such accessory structures shall be no greater than twelve (12) feet in height, with open rails permitted above twelve (12) feet.

b. Ramps or other devices necessary for access for the disabled and elderly, which meet Washington State Building Code, Chapter 11-Accessibility, are permitted in required front, side or rear setbacks.

c. Uncovered, unenclosed pedestrian bridges, necessary for access and less than five (5) feet in width, are permitted in required front, side and rear setbacks.

d. Permitted fences, freestanding walls, bulkheads, signs and other similar structures, no greater than six (6) feet in height, are permitted in required front, side or rear setbacks.

e. Decks which average no more than eighteen (18) inches above

h. Fences, Freestanding Walls, Bulkheads, Signs and Other Similar Structures.

(1) Fences, freestanding walls, signs and similar structures six (6) feet or less in height above existing or finished grade whichever is lower, may be erected in each required setback. The six (6) foot height may be averaged along sloping grade for each six (6) foot long segment of the fence, but in no case may any portion of the fence exceed eight (8) feet.

Architectural features may be added to the top of the fence or freestanding wall above the six (6) foot height when the following provisions are met: horizontal architectural feature(s), no more than ten (10) inches high, and separated by a minimum of six (6) inches of open area, measured vertically from the top of the fence, may be permitted when the overall height of all parts of the structure, including post caps, are not more than eight (8) feet high; averaging the eight (8) foot height is not permitted. Structural supports for the horizontal architectural feature(s) may be spaced no closer than three (3) feet on center.

(2) The Director may allow variation from the development standards listed in subsection D2h(1) above, according to the following:

- i. No part of the structure may exceed eight (8) feet; and
- ii. Any portion of the structure above six (6) feet shall be predominately open, such that there is free circulation of light and air.

(3) Bulkheads and retaining walls used to raise grade may be placed in each required setback when limited to six (6) feet in height, measured above existing grade. A guardrail no higher than forty-two (42) inches may be placed on top of a bulkhead or retaining wall existing as of the effective date of the ordinance codified in this section. If a fence is placed on top of a new bulkhead or retaining wall, the maximum combined height is limited to nine and one-half (9 1/2) feet.

(4) Bulkheads and retaining walls used to protect a cut into existing grade may not exceed the minimum height necessary to support the cut or six (6) feet whichever is greater. When the bulkhead is measured from the low side and it exceeds six (6) feet, an open guardrail of no more than forty-two (42) inches meeting Building Code requirements may be placed on top of the bulkhead or retaining wall. A fence must be set back a minimum of three (3) feet from such a bulkhead or retaining wall.

i. Arbors. Arbors may be permitted in required setbacks under the following conditions:

(1) In each required setback, an arbor may be erected with no more than a forty (40) square foot footprint, measured on a horizontal roof plane inclusive of eaves, to a maximum height of eight (8) feet. Both the sides and the roof of the arbor must be at least fifty (50) percent open, or, if latticework is used, there must be a minimum opening of two (2) inches between crosspieces.

(2) In each required setback abutting a street, an arbor over a private pedestrian walkway with no more than a thirty (30) square foot footprint, measured on the horizontal roof plane and inclusive of eaves, may be erected to a maximum height of eight (8) feet. The sides of the arbor shall be at least fifty (50) percent open, or, if latticework is used, there must be a minimum opening of two (2) inches between crosspieces.

3. Front and rear setbacks may be reduced by twenty-five (25) percent, but no more than five (5) feet, if the site contains a required environmentally critical area buffer or other area of the property which can not be disturbed pursuant to the provisions of

subsection A of Section 25.09.280 of SMC Chapter 25.09, Regulations for Environmentally Critical Areas.

4. Protection of Trees. Front setbacks may be reduced to protect existing trees in rear setbacks and rear setbacks may be reduced to protect existing trees in front setbacks. To qualify for this exception, the tree(s) shall be at least six (6) inches in diameter, measured four and one-half (4 1/2) feet above the ground. The tree must also be in a condition and location such that it will not present a hazard to life or property following site development, and can be expected to remain healthy for at least twenty years as determined by a qualified tree care professional.

a. Upon the request of the applicant, the Director shall permit the applicant to move the proposed development activity and other land disturbance activity and obtain up to a five (5) foot reduction in front or rear setback requirements when this would be sufficient to protect an existing tree as determined by a qualified tree care professional.

b. Any setback reduction greater than five (5) feet to protect a tree shall require approval through a tree protection special exception. Notice of application and review process and procedures for this special exception and of the Director's decision on the application shall be provided in the manner prescribed for Type II land use decisions as set forth in SMC Chapter 23.76. A tree protection special exception shall be authorized only when all the following facts and conditions are found to exist:

(1) The applicable setback requirements would make it impossible to protect existing tree(s) without causing undue hardship; and

(2) The requested setback reduction does not go beyond the minimum necessary to protect the tree(s) as determined by a qualified tree care professional; and

(3) The setback reduction will not result in a development that is materially detrimental to the character, design and streetscape of the surrounding neighborhood, considering such factors as height, bulk, scale, yards, pedestrian environment, and amount of vegetation remaining.

Section 9. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision shall not affect the validity of any other provision.

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

Passed by the City Council the ___ day of _____, 1999, and

Signed by me in open session in authentication of its passage this ___ day of _____, 1999.

President of the City Council

Approved by me this ___ day of _____, 1999.

Paul Schell, Mayor

Filed by me this ___ day of _____, 1999.

City Clerk
12/1/99
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exception shall be authorized only when all the following facts and conditions are found to exist:

(1) The applicable setback requirements would make it impossible to protect existing tree(s) without causing undue hardship; and

(2) The requested setback reduction does not go beyond the minimum necessary to protect the tree(s) as determined by a qualified tree care professional; and

