

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to tree protections; adding new provisions related to trees that are part of an archaeological site; and amending Sections 25.11.060 and 25.11.130 of the Seattle Municipal Code.

..body

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

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

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

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

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

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

8 WHEREAS, the amendment in this ordinance to Seattle Municipal Code Chapter 25.11 is
9 exempt from State Environmental Policy Act review; NOW, THEREFORE,

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

11 Section 1. Section 25.11.060 of the Seattle Municipal Code, enacted by Ordinance
12 126821, is amended as follows:

13 **25.11.060 Requirements for trees when development is proposed**

14 * * *

15 E. Prior to approving the removal of any Tier 2 or Tier 3 tree, the Director shall: (1)
16 notify the Washington State Department of Archaeology and Historic Preservation (DAHP) of
17 the requested tree removal; and (2) receive confirmation from DAHP whether the tree is part of
18 an archaeological site subject to requirements of chapter 27.53 RCW. If the tree is not part of an
19 archaeological site, the Director may approve the removal of the tree. If an archaeological site
20 would be impacted by the removal of the tree, and the applicant wants to proceed with the impact
21 to the archaeological site, the applicant is responsible for obtaining approval for its removal from
22 DAHP prior to the Director approving the removal of any such tree.

1 Section 2. Section 25.11.130 of the Seattle Municipal Code, last amended by Ordinance
2 126821, is amended as follows:

3 **25.11.130 Definitions**

4 * * *

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

8 * * *

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

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

7 _____
8 President _____ of the City Council

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

10 _____
11 Bruce A. Harrell, Mayor

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

13 _____
14 Scheereen Dedman, City Clerk

15 (Seal)