ORDINANCE NO. 2245

AN ORDINANCE of the City of Kent, Washington, imposing certain restrictions on destruction of trees and on development on and adjacent to streams, creeks and tributaries in the City of Kent, and providing for penalties for violations.

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Findings and Declarations or Purpose.
1. There are presently a number of proposed developments in the City of Kent which either propose to cut all or nearly all the trees on the development.

2. The Kent Comprehensive Plan has policies which state:
   a. Establish forest protection zones for groves of particular beauty and functional shelter for water run-off.
   b. All forests, woodlands, copses, and freestanding trees of significant size should be subject to preservation regulations.

3. There are presently a number of proposed developments in the City of Kent which desire to build on or near streams, creeks or tributaries that are on the proposed development site.

4. The Kent Comprehensive Plan has policies which state:
   a. Do not reroute the natural drainage unless there is no adverse result in the area of rerouting on upstream and downstream properties.
   b. The piping and tunneling of water should be discouraged and allowed only when going under a heavily-traveled paved road.

5. The present Zoning Code regulations do not aid toward the implementation of these stated policies.

6. The continued destruction of trees and streams in the City of Kent is detrimental to the health, safety
and general welfare of the City's citizens.

7. This Ordinance is intended to intelligently deal with the stated problem while recognizing that in certain cases, such as tree condition (health of tree, danger of falling), proximity of trees and streams to existing structures and improvements, interference with utility services and the protection of scenic views, the removal of certain trees or the relocation of streams may be required.

Section 2. **Application of Rules and Regulations for the Prevention of the Destruction of Trees and Streams.**

1. On all undeveloped property in the City of Kent, all trees of a six inch caliper or greater shall be retained on the property where they are growing.

2. Where it is not feasible to retain all trees on site, due to the proposed development, a site specific tree plan, drawn to scale, shall be prepared which indicates the precise location of all trees of six inch caliper or greater on the site, in relation to proposed buildings, streets, parking areas, storm drainage facilities and utilities.

3. This plan shall be submitted to the Kent Planning Department for their review prior to the issuance of a zoning or building permit.

4. The Planning Department shall review the tree plan in relation to the proposed development and make a determination of which trees will be permitted to be removed.

5. The Planning Department may cause a modification of the development plan to ensure the retainage of the maximum number of trees.

6. There shall be no clear cutting of trees of six inch caliper or greater on a site for the sake of preparing that site for future development.

7. All streams, creeks and their tributaries in the City of Kent, where they flow on or across undeveloped land, shall be retained in their natural state and location.

8. Where retaining the stream, creek or tributary in its natural state may interfere with a proposed development, a site specific plan hereinafter known as the stream plan, drawn to scale, shall be prepared which indicates how the development will be constructed in relation to the stream and in relation to required storm drainage regulations.
9. This plan shall be submitted to the Kent Planning Department for their review prior to the issuance of any permit: zoning, building, grading, storm drainage, King County Hydraulics.

10. The Planning Department shall review the stream plan in relation to the proposed development plan and make a determination that the plan does protect the integrity of the stream, creek or tributary.

11. The Planning Department may cause a modification of the development plan to ensure that the integrity of the stream, creek or tributary is in fact retained.

12. Any authorization for changing the course of the stream, creek or tributary or for working in the stream, creek or tributary shall follow guidelines and recommendations of the Washington State Department of Fisheries and Game (RCW 75.20.100).

Section 3. Definitions.

1. Tree - shall mean any living woody plant characterized by one main stem or trunk and many branches, and having a diameter of six (6) inches or more measured at three (3) feet above ground level.

2. Stream, Creek, Tributary - shall mean any existing watercourse identified in the document titled, Green River Basin Drainage Study, and on file in the Kent Planning Department offices.

Section 4. Appeals.

1. Any person or persons aggrieved by any action related to this Ordinance may within ten (10) days from the date the Planning Department makes its final determination, appeal such determination to the Hearing Examiner.

2. The appeal must be in writing and must be filed with the City Clerk within the specified ten day appeal period.

Section 5. Violations and Penalties. Any person having been convicted of a violation of any of the provisions of this ordinance shall be guilty of a misdemeanor and subject to a fine of up to Five Hundred ($500) Dollars.
Section 6. This Ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication, as provided by law.

[Signature]
ISABEL HOGAN, MAYOR

ATTEST:

[Signature]
MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

[Signature]
DONALD E. MIRK, CITY ATTORNEY

PASSED the 2 day of September, 1980.
APPROVED the 3 day of September, 1980.
PUBLISHED the 7 day of September, 1980.

I hereby certify that this is a true copy of Ordinance No. 2245, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

[Signature]
(SEAL)
MARIE JENSEN, CITY CLERK