

Discussion starter notes by Matt

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Peg's comments 9-12-12

Seattle's Tree Protection Updates

Collectively, the urban forest is one of the most important public assets in the City of Seattle. No other public good can clean the air, while minimizing urban flooding, while absorbing carbon, while providing shelter for our wildlife, while making our neighborhoods more livable and healthy.

Tree Regulation Update

The current draft tree ordinance is better than last year's proposed changes, but there are still many improvements that could and should be made to this ordinance.

Major Topics to be Discussed / Improved

Exceptional Trees and Tree Protection Thresholds

Seattle currently has a complex system of identifying exceptional trees (DR 16-2008). Exceptional trees vary by size based on species, for instance, a Douglas Fir tree is considered exceptional when it reaches a diameter of 30 inches. A Pacific Madrone is considered exceptional when it reaches 6 inches in diameter. The proposed rules standardize the exceptional tree threshold at 24 inches in diameter for all trees regardless of species. This of course lowers the minimum threshold for Douglas fir and will in theory protect more Douglas Fir, but also dramatically increases the minimum threshold for Pacific Madrone and as a result there will be very few exceptional pacific Madrone trees in Seattle.

Matt's initial thoughts

Of the 24 native trees currently identified in the code with exceptional thresholds only 7 trees would remain exceptional if the update passed as written. The good news is that 32 of the 47 non-native trees identified in the code with exceptional thresholds would remain exceptional (and in many cases be consider exceptional at a lower diameter) if the current update passed. I agree that simplifying the exceptional tree definition is a good idea, however I feel 24 inches is too high of a minimum threshold for many of our native trees. I would like to propose a two-tiered system of determining exceptional trees in Seattle that establishes a base threshold, 24 inches and then adds a second lower minimum size threshold 8 inches in diameter for the 17 specific native trees that are listed in the current Director's rule and are critical to our regional ecosystem.

Sitka ALDER

Quaking ASPEN

Paper BIRCH

CASCARA

Pacific CRABAPPLE

Pacific DOGWOOD

Black HAWTHORN
MADRONA
Dwarf or Rocky Mountain MAPLE
Vine MAPLE
Oregon White or Garry Oak
Lodgepole PINE
Shore PINE
Western SERVICEBERRY
Sitka SPRUCE
WILLOW (All native species)
Pacific YEW

What is your definition of an exceptional tree?

PS- I agree with the two tier system. Without seeing the actual data DPD used to make the 24 inch determination I am willing to accept it for Tier 1 with the caveat that the tree regulations should be reviewed in no more than 5 years. Tier 2 at the described 8 inches for species listed is ok. There will be some issues since these trees may be hard to identify by general public. Additional effort needed for education before we jump to punishment.

What do you think is a good base threshold for determining exceptional trees?

Red Alder, Black Cottonwood and Bitter Cherry are never considered exceptional, do you agree?

Tree Removal and Recording Requirements

One of the key improvements of the proposed tree ordinance is the additional of a tree removal recording system. In the current proposal (I think) to remove any tree over 24 inches in diameter you would be required to apply for a tree removal application.

Matt's Initial Thoughts

I appreciate that the Department of Planning and Development has added the requirement of an application for tree removal, but again I feel the 24 inch threshold is too high of a minimum to effectively monitor the health, diversity and change of the urban forest over time and to ensure trees are removed safely by a qualified professional. Also, I unfortunately, cannot find anywhere in the draft ordinance where it explicitly says there is a permit requirement for lots not undergoing development. What section is it in, what did I miss?

Just like the exceptional tree piece I feel that the city would benefit from a two-tiered system. The first tier would essentially tell the city what you were planning doing and would not require arborist oversight. The second tier would be for larger trees that would need some city oversight to ensure safe removal. Oversight could be based on the amount of tree canopy cover on the lot and how it relates to the goals of the UFMP. If a site is below the goal of the UFMP the private land owner must either, not cut the tree, or

ensure mitigations for the tree loss and a plan to achieve the tree canopy goal for that property. There could also be creative ways to achieve the tree canopy cover goals through tree banks or mitigation funds (fee in lieu). Both tiers would allow community groups like Seattle Audubon and the city to provide information to the homeowner to hopefully convince them to save the tree if possible.

Where should the two-tiered permit system split occur?

Can we do an i-Tree query to determine where the most appropriate threshold diameter would fall?

PS The concept of tiered removal is also interesting and would help educate on tree canopy. Tier 2 might reasonably start at 12 inches.

Wildlife Habitat and Tree Groves

The current Seattle tree ordinance has a provision for identifying and protecting tree groves but the new proposed ordinance removes any protection for groves.

Matt's Initial Thoughts

Groves are critical to wildlife and habitat and obviously I feel protections need to be put back in to protect groves. However, I also would like to see stronger provisions for identifying and protecting wildlife habitat in general. Greenbelts, wildlife corridors, riparian areas are all vital to our quality of life and our urban wildlife. Many of these elements do get protected under the Environmental Critical Areas Ordinances, but I feel we need to be more explicit in what we want to protect and why.

How can we best protect tree groves?

What is your definition of a tree grove?

PS What about a threshold that would look at groves on parcels at 20000 sf and greater. This would take the concern for groves to the larger parcel developments.

Definition five or more trees at 8 inches or greater.

If removal requested then mitigation at 4:1.

Tree Mitigation and Mitigation Funding

One of the weakest and least defined elements of the proposed ordinance is how do we mitigate for the inevitable loss of trees? There is a 50% fee in lieu opportunity for SF homeowners to meet their post development tree density credits, but nowhere in the ordinance is there mention of how to mitigate for tree cutting, especially of the trees that have been identified as exceptional.

Matt's Initial Thoughts

I agree with the DPD that we cannot make a private homeowner plant trees on their property as mitigation for cutting trees. Simply put, if a homeowner does not want a tree

they will let it die. However, this does not mean we cannot create a tree mitigation fund or come up with other creative ways to ensure no net loss of tree canopy. I propose the creation of at least two tree mitigation funds. One focused on maintenance of our urban forest (using the existing Green Seattle Partnership program) and one dedicated to planting new trees (using the existing Trees for Neighborhoods program). There has also been some discussion that SF homeowners who already have significant tree canopy (>33%) might take a greater share of burden in protecting trees. Mitigation should take into account the current tree canopy cover on the lot. I would propose that in residential context if the lot is above 33% tree canopy cover and removing the tree would not lower the canopy cover below 33% then there is no mitigation required. If the lot is below 33% or cutting the tree would lower the lot below 33% then there would need to be mitigation in the following manner

- 1:1 diameter replacement for non-exceptional trees in SF lots not under going development.
- 2:1 diameter replacement for exceptional trees in SF lots not under going development.

Also, in all circumstances I would propose the following mitigation

- 4:1 replacement for tree groves and exceptional conifer trees in all circumstances, development or non-development, and is not tied to the tree canopy cover goals because of the high value of the trees and scarcity of the tree asset under threat.
- Fee in Lieu is an alternative in all cases, but I am not sure DPD's \$200 a diameter inch is a good value, that would be \$4,800 for removing an exceptional 24 inch tree. I think I heard other City's charged \$300 a diameter inch, which obviously would make a 24" exceptional tree replacement cost \$7,200. Portland requires extra \$ for maintenance costs as well. Money for the three year establishment phase is probably a good idea.

What mitigation would you propose to ensure no net loss of trees?

I would also propose that the mitigation funds be set up to support the Green Seattle Partnership and the Tree for Neighborhoods programs.

PS Mitigation

I agree with Matt on mitigation. I think the tie to Canopy goals is appropriate trigger. We should not punish those with more trees.

I think fee in lieu is a good approach but suggest

-it gets revisited in not more than 5 years to build in adaptation.

- agree funds should split between the neighborhood tree fund and GSP. UFC needs to be stronger on funding and it is clear GSP has proven it deserves funding.

- Exceptional trees should have special fee in lieu- like double the value or use the ISA rating for value (however that takes \$\$\$ for arborist evaluation – it is probably acceptable to use a multiplier for easier administration)

The final issue is how the City would manage trees and is there a need for a single tree department. My personal view is that this is a complex issue (aren't they all?) and we need to not only study the issue but understand the alternatives/opportunities for different management scenarios. For this reason I personally feel it should not be part of the ordinance but a longer discussion with Council and Mayor once we get the Ordinance passed.

PS- I think we should list this in the UFMP for further study.

Ordinance Review Page by Page

The bottom line is that after reading this ordinance several times I have no clue if it will even get us close to our canopy goals. I think it would be good if Central staff conducts a series of on-the-ground tests, like the one I did below for the tree credits to see what the effectiveness of this ordinance might be. Below are some of my questions / comments in a page for page analysis of the proposed ordinance.

PS- My reaction is these regulations are not consistent with the UFMP canopy goals. Page 8- this wording implies meeting canopy goals but refers to existing condition at 26% so the mitigation would not reach the goal.

Page 9, "Trees 24 inches in diameter or greater that could not be otherwise removed under Chapter 25.09 may not be removed as part of an issued building or grading permit unless:

- *Focuses on tree removal not retention*
- *Creates the checklist for developers if I want to remove the tree go down the list until I find the action that allows me to cut the tree*

Page 10, "1. the maximum lot coverage permitted on the site according to section 23.44.010 (35% of lots \geq 5,000 (1,750) OR 1,000 + 15% (1,450) of lot area for those $<$ 5,000. cannot be achieved without extending into the tree protection area, as determined in section 23.86.038 (tree dripline or formula, which ever is larger and there are allowances to reduce this min area); or"

- *Very complex statement, need to reference section 23.44 for lot coverage AND section 23.86 on what constitutes a tree protection area before you can even start to evaluate.*
- *23.44.010 is current unchanged code and 23.86.038 is new code in this update*
- *Another loop hole created in the document, you do not need to save the tree if you cannot get your lot coverage. Need to do an analysis on various lots in the city and various zoning to see exactly how many trees are going to be saved. After looking at 23.44 it appears this is only for SF lot coverage and the coverage's are not that bad (still more than 1/2 the lot in most cases will not be structures), but again we need the analysis to understand fully the city's situation.*
- *So all 24" inch trees on non SF development need to be saved unless it would result in a structure being less than 15' wide.*

Page 10: Tree Density “1. a tree density of one point per 200 square feet, excluding the first 2,000 square feet is required for any development: one or more new dwelling units, 4,000 new square feet of non-residential use and expanding surface parking by 20 parking spaces or more.

- *How does this standard credit system ensure the variable tree canopy cover goals stated in the UFMP?*
- *At first glance there seems to be a large discrepancy from saving trees or planting new trees. Seems like you have to plant way too many trees in a SF development situation, but if you save 1 large tree you don't have to plant any trees*
- *What alternatives to tree credits were explored?*
- *And does this standard truly apply to non-residential development*

PS – there appears to be a mistake in logic. Lets ask DPD

Page 12: “the designated tree protection area shall remain undeveloped for the remainder of the life of the structure, and a permanent covenant stating this requirement shall be recorded with King County.”

- *Good language*

Page 12;

- *Add a number 7: If protected tree dies within 5 years of construction, developer will be responsible for replacement costs of a new tree and maintenance cost for three years to ensure new tree establishment.*

PS yes

Page 13; Green factor

- *Different factors for different zoning, how can we tell if green factor will achieve the tree canopy cover goals we are trying to achieve*
- *I assume that the tree density requirement in the ordinance above does NOT apply if a developer decides to undertake green factor, but this is not explicit in the code. If a developer did green factor 100% with trees what would be the tree density most likely be?*

PS- Honestly I think we need to let Green Factor settle or at least 3 years to give a chance to field test... the economy affected this – best to let it work through and then evaluate. We probably should tag this on the UFC agenda. Is there a reference to Green Factor review in the UFMP? If not there should be

Page 18;

- *This is confusing, low rise and midrise have different green factor thresholds, but on page 18 it implies all development must meet a .30 green factor? Later industrial green factor is .30 as well.*

Page 37; street trees

- *Do we need this here, how does this relate to the street tree ordinance and how do we ensure there are no conflicts. Which section of code takes precedence?*

PS- Street trees are important and this is a good step to getting them installed with all new developments. This appears to be in line with SDOT's tree ordinance (remember DPD does coordinate permits for development that require street tree with SDOT, the single family or duplexes were not having to put in trees ...or sidewalks for that matter and this fix is consistent with the fix to add sidewalks)

Page 47; Exceptional Trees without naming it as such

“No tree 24 inches in diameter or greater shall be removed or topped on a lot in a single-family, lowrise, midrise, or commercial zone unless the Director determines that the tree:

- A. Poses a risk...
 - B. Is causing structural damage...
 - C. Is a black cottonwood, bitter cherry, European Holly, English Laurel, European Mountain Ash, red alder, tree of heaven, or Lombardy poplar
 - D. Is approved as part of a building permit...
- *What about industrial areas, high rise, Major Institutions?*
PS- Request these be added- there should be consistency. There can be a fee in lieu option.
 - *Calculate number of trees >24” in Industrial, high rise, Major Institutions and other areas not subjected to the 24’ exceptional tree rule.*
 - *How can you have an exceptional tree rule if its based on geography not tree species.*

Other

- *I see no mention of tree removal permits, where is this language in the Ordinance?*
PS - UFC probably should take a vote if we strongly feel a removal permit or at least tracking for tree removals xx and larger (I would say start in the 8 inch range but I am ok with 12inch- the reason behind this is that is about the max size that can be reasonably relocated.)
- *Besides the residential fee in lieu I see no mention of mitigation requirements, where and how is the City going to mitigate for tree cutting and ensure no net loss of tree canopy?*
PS- There should be a fee in lieu approach across the board

PS See my table... not done but thinking that might be the way to set up. I think we could keep letter high level. Key points. We could send this around if needed.