

Tree Regulations

Urban Forestry Commission

November 1, 2017

Overview

- Tree Regulations Research Project
- Tree Regulations Research Findings
- Tree Regulations Research Recommendations
- Mayor's Executive Order
- Questions



Tree Regulations Research Project

Objective: Tree Protection
Recommendations

Scope:

- Tree regulations effectiveness in Multifamily Lowrise and Single-family
- Tree protection regulations in regional cities and those similar in size



Code, Title 25 - Trees protected

Exceptional Trees and Groves

- Definitions:
 - Exceptional: Size, species, age, grove, or Heritage Tree.
 - Grove: 8 or more trees => 12" in continuous canopy.
 - Heritage: designated by community and City of Seattle



Code, Title 25 - Removal of protected trees

- Prevent full development potential or hazardous. (If hazardous, no replacement required).
- Removed exceptional trees and >24" to be replaced, unless hazardous.



Code, Title 23 – Development Standards

New and 100% Redevelopment

Single-Family - Trees required. Preservation and Planting options.

- Lots >3,000sqft - 2" diameter/1,000sqft.
- Lots <3,000sqft - 3" diameter/lot.

Multifamily Low-rise - Street trees required.

- Exceptional trees
 - If preserved, no Design Review for Tree Protection required.
 - If not preserved, Streamlined Design Review required to allow exceptions.



Findings

Over-the-Counter approvals

Losing exceptional trees (and groves) in general. Most in Environmental Critical Areas. Majority landslide-prone areas. Hazardous = no replacement.

Type I and II permits

Development and Hardscape increase = Tree loss.

Conifers/large species coming out. Deciduous/dwarf species coming in.

- Landscaping Standards final inspection not consistently applied.
- Design Review “process” is not helping to preserve trees



Findings

Over-the-Counter approvals

- 725 hazard tree removal approvals (2008-2016)
 - 59% in steep slopes.
- Approvals often include more than one tree.
- No replacement required



Findings

Trees removed prior to development without approval

- Trends: Tree cutting complaints resolved as “Non-violation”
2008 = 27%, **2010 = 52%**, 2015 = 75%
- Tree cutting complaints with retroactive hazardous tree removal approval and no violation. Hazardous = no replacement.
- Perceived lack of responsiveness to tree removal complaints (Public comment at Urban Forestry Commission)

Findings

Type I and II permits

- Inconsistent application of regulations during permit review
- Landscaping standards inconsistently inspected/enforced
- Infrequent use of final inspection form - DR 30-2015

Recommendations – 3 Options

1. Improvements to implementation of existing regulations
 - Code improvements
 - Process improvements
 - Other opportunities
2. Permit system and protect additional trees
 - All of 1, and 2
3. Permit system “Plus” and protect more trees
 - All of 1, 2, and 3



Option 1. Existing Regulations with Improvements

Existing Code with – Process Improvement

1. Revise definition for ‘hazard’ conditions *
2. Require consistent documentation for permit applications that include tree code requirements and for tree removal applications *
3. When tree replacement required = canopy for replaced tree *
4. Add tree survivability language **
5. Update Director’s Rule for exceptional trees *
6. Payment in lieu and performance bond. Address potential equity concerns *

* In Mayor’s Executive Order

** Other recommendations not included in the Executive Order”

Existing with – Process Improvement

1. Record tree counts throughout development process (Pre-application site visit to Final inspection) **
2. Require use of Hansen/Accela monitoring tools **
 - A. Monitor tree-related site work
 - B. Add survivability monitoring
3. Ensure use of Landscape Improvement Checklist at final inspection, and upload to EDMS as individual doc with that title so that it can be queried *
4. Add dedicated urban forestry staff to oversee all tree and landscape regulations *
5. Remove Vine Maple from ECA Revegetation List and GF Tree List to improve size class distribution *

* In Mayor's Executive Order

** Other recommendations not included in the Executive Order"

Other

Implement training program

1. Internal
 - A. Tree Protection/Preservation/Planting
 - B. Code enforcement
2. External
 - A. Training requirement for tree service Cos.
 - B. Hold them accountable for illegal removals

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2. Permit System and Protect Additional Trees

Permit + protect additional trees

Permit highlights – Portland, Sammamish, Lake Forest Park

- Tree Permit for tree removal on private property both during and outside development
- Tiered permit type associated with/without development
- Categories of trees: exceptional, heritage, grove, and significant (6 – 12 inches)
- Allowances for tree removal based on zone and lot size per/year and over “X” years
- Emphasize retaining with hierarchy
- Require replacement/mitigation for hazardous tree removal
- Replacement required when trees are allowed to be removed.

Permit + protect additional trees

Permit highlights – Portland, Sammamish, Lake Forest Park

- Emphasize planting native conifers close to other trees so that it enhances environment
- Defines potential receiving sites - one being Environmentally Critical Areas
- Large penalties for removal without approval
- Exceptions for emergencies, like our regulations
- Payment-in-lieu
- Protection standards for trees that remain on site.
- On site density requirements Portland
- Exempt areas based on zone or land use type

Permit + protect additional trees

All of Option 1 and:

- Private property tree removal permit
 - Track allowance for annual removal of three trees >6"
 - Remove allowance for unlimited tree removal in SF<5,000
 - Require mitigation
- *Create tree injury/removal violation penalties
 - Hold tree service company accountable
 - Administrative appeal of penalties

3. Permit System “Plus” and Protect more Trees

Permit System “Plus” protect more trees

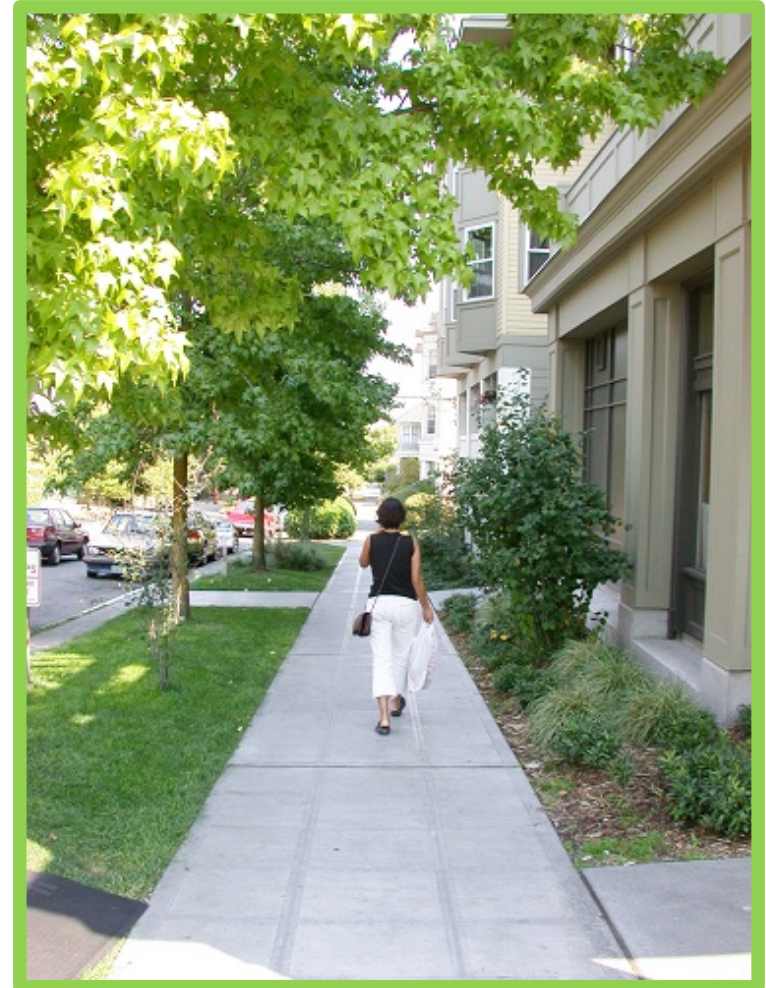
All of Option 1, 2, and:

- Protect tree groves through covenants.
- Provide support to home owners
- Explore transfer of development rights.



Mayor's Executive Order

- Implement recommendations that do not require code changes
- Directs Office of Planning and Development to work with Urban Forestry Core Team to help preserve trees



Next Steps

- Implement Mayor's Executive Order
- Brief new mayor
- Work with City Council



Tree Regulations



Questions?