

Urban Forestry Commission Regulatory Discussion

February 3, 2010



Outline

- Regulations Recap
- Summary of Key Decision Points
- Lessons learned from existing program
- Backgrounds from other jurisdictions
- Key Challenges
- Discussion Questions



DPD Code Responsibilities

- **Tree Protections**
- **Environmentally Critical Areas**
- **Land Use Code Regulations:**
 - Landscaping/Green Factor
 - Street Trees
 - Screening
 - Open space standards & setbacks
- **Platting Requirements**
- **State Environmental Policy Act Ordinance**
- **Design Review**
- **Weed Nuisance Ordinance**



Tree Protections

- **No Development Proposed**
 - Undeveloped Lots
 - No removal of trees over 6"
 - Developed Lots in Lowrise, Midrise and Commercial zones or on lots 5,000 sq ft or greater in a Single-family or RSL zone
 - No removal of exceptional trees
 - Removal of non-exceptional trees limited to 3 in any year period
- Hazardous trees may always be removed with documentation

Interim Regulations



Tree Protections

- During Development
 - Exceptional trees must be protected unless doing so prevents the structure from meeting full "development potential" or results in a portion of the Single Family house being less than 15 feet in width;
 - Single Family: Front & rear setbacks can be modified
 - Lowrise & Midrise:
 - Administrative design review is required
 - Setback, height, parking space modifications allowed
 - Outside of SF zones, development standards may be modified to protect other trees over two feet in diameter
 - Removed exceptional trees must be replaced



Landscaping

- Varies by Zone
 - Single Family: 2 caliper inches per 1,000 sq ft with preservation option
 - Lowrise: landscaped area (3 ft x length of all property lines), plus SF tree requirement
 - Midrise, Highrise: Green Factor of 0.5
 - Commercial: Green Factor of 0.3
- Landscaping plans enforceable after permit



Other Land Use Regulations

- Street Trees
 - DPD requires street trees for developments in all Lowrise, Midrise, & Highrise zones
 - SDOT approves proposal through Street Use permit
- Screening
- Open Space Standards & Setbacks
- Platting Standards



Environmentally Critical Areas

- Tree cutting only allowed for three reasons
 - Removal as part of an issued building or grading permit
 - Restoration Activities
 - Hazard Trees
- Allowed development in an ECA is also limited



Other Codes

- State Environmental Policy Act (SEPA) Ordinance
- Design Review
- Weed Nuisance Ordinance



Lessons Learned from Existing Regs

- Regulations outside of development must be coordinated with regulations during development
- Exceptional Tree focus has not resulted in substantial canopy cover preservation
- Retained trees can have design impacts

Type of Area	Est. Ratio of Trees Protected
Subdividing Single Family	1 in 8 projects
Non-subdividing SF	1 in 75 projects
Lowrise	1 in 100 projects
Midrise	1 in 30 projects
Commercial	none

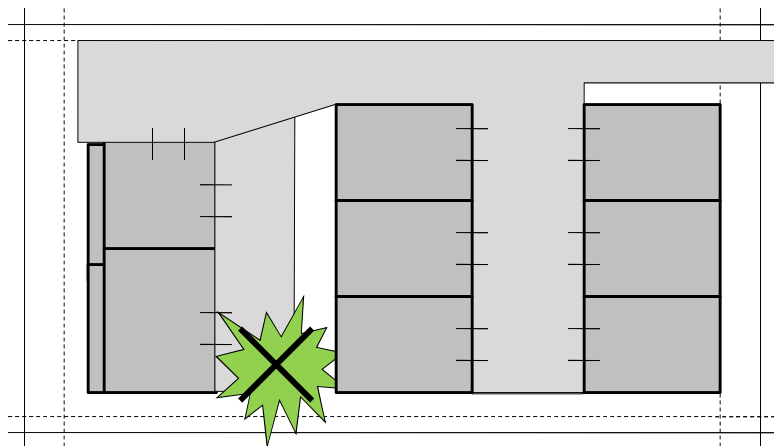


Lessons Learned from Existing Regs

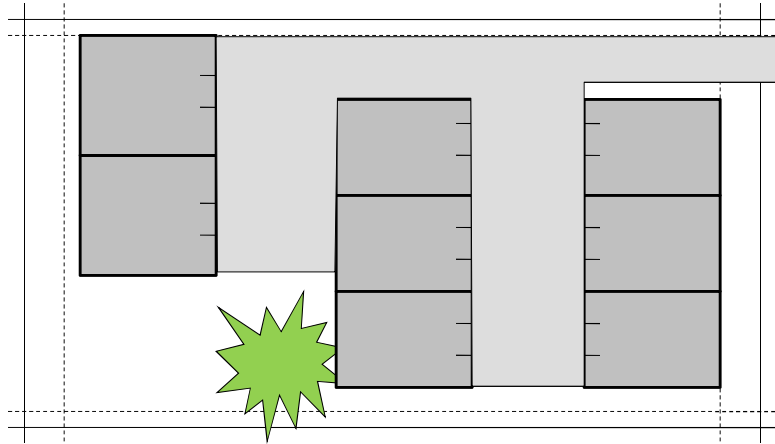
- Single Family tree requirements have not resulting in substantial new planting
 - Allows retention of few trees or planting of small trees
 - On average, planting would result 16% canopy at maturity
- Green Factor – too early to judge, but generally robust planting



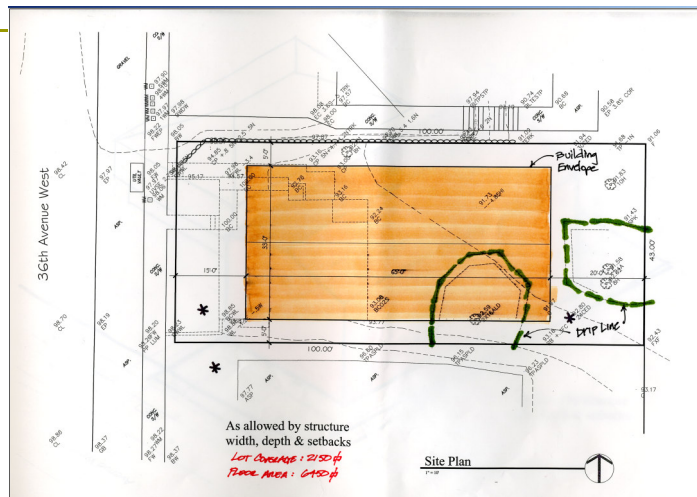
Example 1: Low Rise



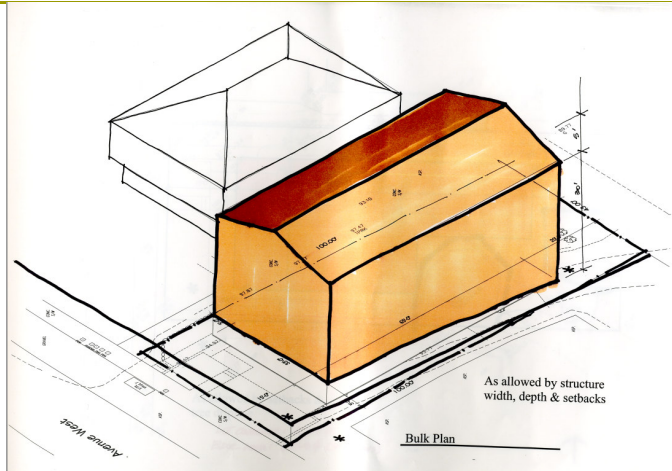
Example 1: Low Rise



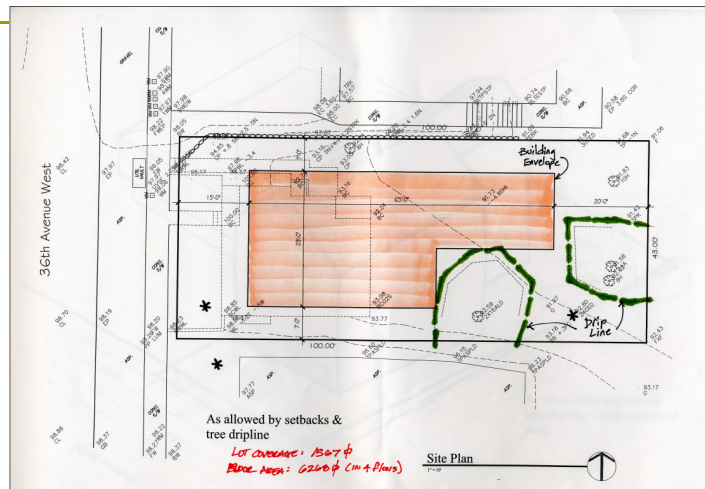
Example 2: Low Rise



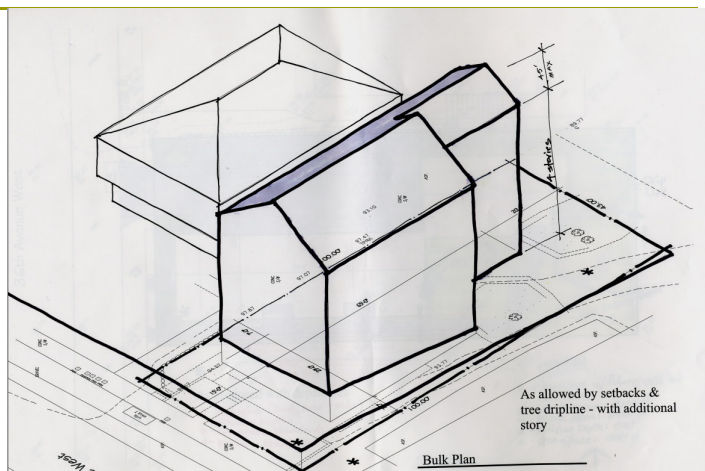
Example 2: Low Rise



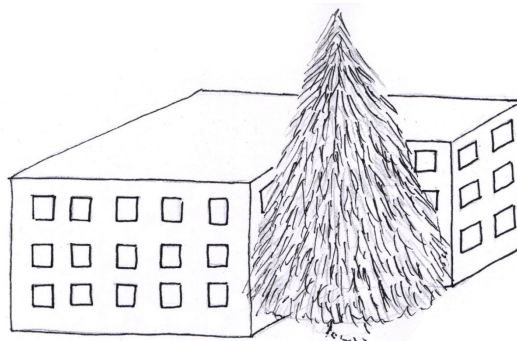
Example 2: Low Rise



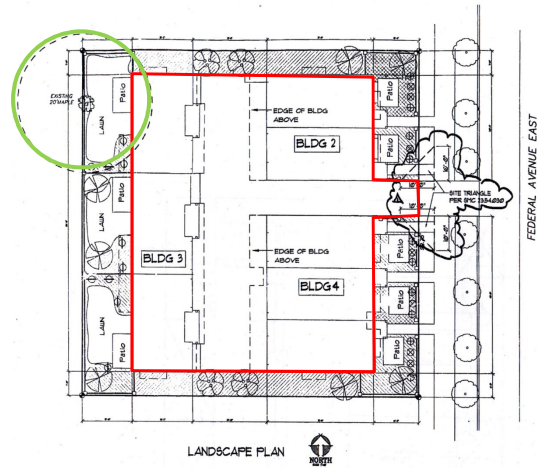
Example 2: Low Rise



Example 2: Low-rise



Example 3: Low-rise



Survey of Other Jurisdictions

- 11 cities
 - Large cities – Portland, Vancouver
 - Medium cities – Bellevue, Olympia
 - Smaller – Kirkland, Shoreline, Redmond, Issaquah
 - Smaller & noted for regulations – Lake Forest, Beaux Arts, Woodinville



Other Jurisdictions – outside dev

- Most larger jurisdictions (Portland, Bellevue, Olympia, Kirkland, Shoreline) only required tree removal permits for substantial tree removal or tree removal on undeveloped or subdividable lots.
- Smaller, more suburban jurisdictions surveyed (Redmond, Issaquah, Lake Forest Park, Beaux Arts, Woodinville) tended to require permits for all tree removal.
- Most requirements allowed a specific number of trees to be removed outright, but some individual towns required specific criteria be met for any tree removal or for removal above a certain threshold.
- Most required replacement if below a certain threshold
- Permits from \$35 to \$250 plus review time; free in one city

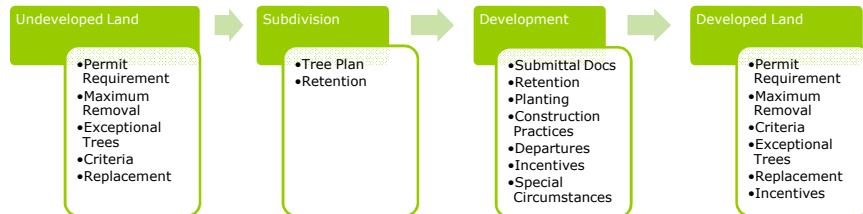


Other Jurisdiction – during dev

- 5 of 11 require retention during construction (% of existing or all "viable")
- Most others require meeting tree number through planting or preservation
- Some limit to Single Family



Key Decision Points



Challenges – Outside of development

- Balancing tree canopy goals with solar access, solar energy, gardens, accessory structures, views, maintenance, root damage, tree risk, etc.
- Ensuring trees are benefits, not burden
- Fear of large trees



Challenges – Outside of development

- Knowledge about regulations
- Enforcement is complaint-driven
- Difficult to establish penalties for all situations
- Difficult for citizens to identify tree species
- Cost of permit review and enforcement



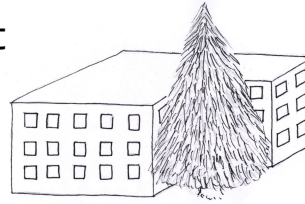
Challenges - During Development

- Balancing tree canopy goals with density, housing affordability, parking, and urban design
- Tree health assessment can be difficult and subject to disagreement
- Accommodating utility access, car access, parking, construction access, material storage



Challenges - During Development

- Accommodating large trees or preservation in denser zones
 - Commercial – no max lot coverage, desire for retail
 - Lowrise – townhouse leaves little room
 - Midrise – no max lot coverage, just setbacks
- Potential loss of development potential is substantial disincentive for trees
- Preservation can conflict with urban design



Challenges - During Development

- Redesign of home to accommodate trees can be very costly
- Difficult to monitor tree protection practice during construction
- Difficult to ensure post-project maintenance
- Divided ownership for townhouses



Key Questions – Outside Development

- What should the City's role be in making decision about which trees individuals must retain and/or replace?
 - light access, solar panels, views, gardens, large trees, property damage, maintenance
 - Slowing loss vs. minimum vs. prohibitions
- Is a Permit appropriate tool?
 - What is the purpose?
 - Can we get reasonable compliance?
 - Is return worth investment?



DPD

Key Questions – Outside Development

- Different standards for Exceptional trees?
- What incentives are appropriate for preserving trees?
 - Neighborhood tree giveaways
 - Subsidized trees
 - Planting "Job Corp"
 - Partnering with Nurseries
 - Partnering with non-profits
 - Drainage Rate Incentive



DPD

Key Questions – During Development

- When is mandatory retention appropriate?
 - SF vs LR vs MR vs Comm
- When is new planting appropriate?
- How can we balance development goals, construction constraints, urban design issues, tree health considerations in these decisions?
- What incentives could we use?

