

SEATTLE URBAN FORESTRY COMMISSION

Leif Fixen, Chair • Tom Early, Vice-Chair

Gordon Bradley • Donna Kostka • Richard Martin • Joanna Nelson de Flores • Jeff Reibman • Erik Rundell • Steve Zemke

The Urban Forestry Commission was established to advise the Mayor and City Council concerning the establishment of policy and regulations governing the protection, management, and conservation of trees and vegetation in the City of Seattle

June 10, 2015

Meeting Notes

Seattle Municipal Tower, Room 2750 (27th floor)
700 5th Avenue, Seattle

Attending

Commissioners

Leif Fixen - chair
Tom Early – vice chair
Gordon Bradley
Donna Kostka
Richard Martin
Steve Zemke
Erik Rundell

Staff

Seth Amrhein - DPD
Sandra Pinto de Bader - OSE
Brennon Staley- DPD

Public

Mary Fleck
Sarah Welch

Absent- Excused

Joanna Nelson de Flores
Jeff Reibman

NOTE: Meeting notes are not exhaustive. For more details listen to the digital recording of the meeting at: <http://www.seattle.gov/urbanforestrycommission/meetingdocs.htm>

Call to order

Leif called the meeting to order.

Chair report

None

Enforcement of current Tree Protection Code – Seth Amrhein (DPD)

Seth Amrhein – from DPD briefed the Commission on enforcement of the current tree protection code. He is a Certified Arborist and participates in the Urban Forest IDT.

This presentation includes information that most plan reviewers have received. DPD did a training a year and a half ago.

Tree Protection Ordinance is in SMC 25.11. Its purpose and intent is the protection of the urban forest. Trees provide many benefits including aesthetic, wildlife habitat, shading and soil stabilization, stormwater retention, clean air, and climate change mitigation, among others.

UFC comment: Could add the health impacts which are becoming clearer for future trainings.

Chapter 23 has planting requirements in several places. Replacement requirements for exceptional and trees over 2ft in diameter in 25.11.090.

Tree removal is restricted in three situations:

- Undeveloped land
 - o Vacant lots without structures
 - o Vacant lots proposed for development
- Developed land
 - o The site contains a building and no new development is proposed (except for SF lots < 5,000 sf) and
- Environmentally Critical Areas: provision of 25.09.320 restrict tree and other vegetation removal in landslide-prone critical areas (including steep slopes), steep slope buffers, riparian corridors, shoreline habitat, shoreline habitat buffers, wetlands, and wetland buffers.

Tree removal is prohibited in the following cases:

- Undeveloped lots in all zones:
 - o Trees 6-inch DBH or greater unless hazardous;
 - o Exceptional trees unless hazardous.
- Undeveloped lots proposed for development in all zones – including Single Family lots < 5,000 sf
- Developed lots in Single Family*, Residential Small Lot*, Low Rise, Mid-Rise, and Commercial zones (* >=5,000 sf)
 - o No more than three trees 6-inches DBH or greater in any one year period unless hazardous (except as part of an issued building or grading permit)
 - o Exceptional trees unless hazardous
 - o Optional preservation for trees > 2 ft diameter.

UFC question: what are the reasons people give when they want a tree removed?

Answer: don't keep track of the reason, but mostly is because they don't want the tree, maybe because it's too large.

UFC questions: how often do you receive complaints?

Answer: Not that many. Maybe 5-10 per year.

UFC question: What happens if they are tearing out a house to put up a new building.

Answer: if they cut down the tree and they have an existing house, they can remove the tree. If then they remove the house, then the status changes to vacant land but the tree is already gone. If they are making an addition to the house and the tree is restricting them from doing so, then they can remove the tree.

This ordinance doesn't apply to SF lots SEE TIP 242.

UFC question: on undeveloped lots how does that work?

Answer: if it is SF and undeveloped, you can't remove any trees. If you are building a new house there you are required to protect the tree to the level required by the code.

Tree Protection Requirements:

- Exceptional trees, trees receiving Green Stormwater Infrastructure, Green Factor credit or meeting Single Family planting/preservation requirements need to be protected. The type of protection depends on proximity to construction activity.
- Basic protection requirements of 25.11 are the same in SF< RSL, LR, MR, and C Zones. "The tree protection area shall be the area within the drip line of the tree." (SMC25.11.050.B)
- But criteria for removal of protected trees is based on zone (25.11.060, 070, and 080) or if in ECA (25.09.320).

In cases of optional preservation of trees greater than 24 inches (2 ft) DPD would allow deviation from code, for example allow a smaller front yard to save the tree.

UFC question: how much can you intrude in the tree protection area? Do you also consider sun light access for the tree?

Answer: up to 1/3 of the drip line if they provide an arborist report that says that this wouldn't affect the tree. DPD's Director determines whether more impacts would be allowed. We don't usually require people to analyze sun access but the arborist typically determines impacts to the tree.

How to determine if a tree should be considered 'exceptional':

- Any tree species can be exceptional
- It depends on the size, species and whether it is a heritage tree or in a grove (Table DR 16-2008). If the tree is not in the DR need to refer to Arthur Lee Jacobson book and if the tree is 75% of the biggest tree listed in the book, then it's considered exceptional.
- Heritage trees: SDOT and Plant Amnesty have a program for Heritage Trees www.seattle.gov/transportation.Heritagetree.htm.
- Grove: 8 or more trees 12" DBH or greater that form a continuous canopy.

SMC 25.11.060 when tree removal is allowed

- SF and small residential lots – removal of any tree is allowed outright on developed non-ECA lots less than 5,000 s.f.
- Exceptional trees: if maximum lot coverage can't be achieved or the structure will be less than 15 feet wide after allowing encroachment into the front or rear yards (up to 50%).
- Optional: non-exceptional trees greater than 2 ft in diameter can be preserved through the same waivers (going into front yard, for example) and still getting to 35% lot coverage. Without going through variance process.

UFC question: are they required to provide the analysis?

Answer: yes, they are required.

UFC question: are plans reviewed for accuracy? Do you do any spot-checking for some of these plans in case people are trying to fudge a bit.

Answer: yes, we do spot checks. We ask for arborist report. We've learned that surveys are not as accurate, a lot of trees are eyeballed.

In low-rise zones there are also allowances to remove trees:

- Exceptional trees – only if the full floor to area ration (FAR) or allowed height cannot be achieved through:
 - o Streamlined Design Review (SDR). Five ‘adjustments’ and the regular Design Review departures of 23.41
 - o Height adjustment up to 50 ft (apartments in LR3 zones only)
 - o Parking reduction of 23.54.015 and 030.
- Optional: non-exceptional trees greater than 2-feet in diameter can be preserved through the above methods.

FAR – Floor to Area Ratio (SF = 35%)

UFC question: what’s the consequence of inaccurate plans? Has there been any talk to add a more punitive approach?

Answer: it’s going to lengthen the time and cost of their permit. We have not talked about adding more punitive measures.

Tree removal in Mid-rise and Commercial zones is allowed:

- Exceptional trees – only if not possible to avoid the tree protection area through SDR adjustments and Design Review departures.
- Optional: non-exceptional trees greater than 2 feet in diameter can be preserved through the above methods.

Tree replacement is required:

- For each exceptional tree and tree over 8-foot DBH removed associated with development in all zones (unless hazardous).
- Size and species determined by DPD Director.
- Equal canopy cover at maturity. Use SDOT tree list that provides maturity for different species.
- On site preference, public property preference for off-site.

ECA with and without development proposals:

- Prohibited except as allowed in limited situations, TIP 331.

Does short plat (when you divide a larger property into four or eight lots) maximize the retention of existing trees?

- Not a prohibition on platting or the number of lots.
- Looking for opportunities to retain trees by considering placement of easements, access and future building footprints.

Planting requirement by zone

Single Family zones:

- The only outright requirements for tree planting on private property in Title 23 (SMD 23.44.998.1)
- Preserve or plant 2 caliper inches/1,000 sq.ft. for lots over 3,000 sq.ft.

- Preserve or plant 3 caliper inches for lots under 3,000 sq.ft.
- Preservation plan required.

Multi-family, Commercial, Seattle Mixed, Downtown, and Industrial zones:

- Only street trees required (varies by zone)
- If Green Factor required or chosen then credit for planting and preserving
- Higher credit for preserving (because bigger trees mean greater environmental benefits)

TIPs and Director's Rules:

TIP 242 – tree protection regulations

Director's Rule – 16-2008 Designation of exceptional trees

Director's Rule 10-2011 – Landscaping Standards and Green Factor

TIP 534 – Tree planting and retention for flow control credit

Tip 331 – ECA Tree and vegetation overview

TIP 331B – Hazard Trees

TRAQ – tree risk assessment qualified

Answering questions that were submitted ahead of time:

Protection for nest trees: do have DR for protection of Heron colonies. Eagles are not specifically protected by current regulations (eagles were removed from the endangered species list).

UFC question: tree planting requirements on SF residential. Who determines what type of tree gets planted and how is it verified that the tree will survive?

Answer: preserve or plant 2 caliper inch/1,000 sq.ft. for lots over 3,000 sq.ft. Developer provides planting plan. Site inspector will verify that trees are on the ground. There is no follow up unless there is a complaint.

UFC question: recommendation to do a canopy impact assessment. We don't know on an annual basis whether we are losing or gaining canopy. How difficult would it be to require such assessment? We need to know each year what's happening. We receive reports from Parks and SDOT but are not receiving any data from DPD. Would like to have it in order to assess how we are doing?

Answer: it would be difficult because we don't have the code requiring to analyze that. It would require code to mandate it. The information is on the plans but the analysis is not being done. It would take additional resources. We would have to charge more for plan review and this is an extraneous activity.

UFC comment: this is not extraneous because the city has the goal of increasing canopy.

Comp Plan EIS - discussion

The Commission will comment on the draft EIS. The EIS looks at the underlying condition. There is not draft Comp Plan for comment out yet. Public comment on the draft EIS closes June 18.

The Commission discussed input provided by Jeff and Steve.

Steve would like the Comp Plan to continue having an aspirational canopy cover goal of 40%. Jeff and Erik met with Brennon and they said it would make sense to make it consistent with the UFSP goal of 30%. The last position taken by the UFC was through a May 11, 2011 letter keeping the 40%.

Tom agrees with Steve. Don't want to remove the 40% aspirational goal from the Comp Plan. Steve is stressing that the EIS is making a reference to removing the 40% goal.

Richard says that the 40% without a date is not measurable. So either we recommend removal of the 40% or set a date for the goal.

As we follow the 5-year cycle of the UFSP we could increase the goal based on results. We don't want to box ourselves in. there wouldn't be a reason to fund more tree planting if we already met our goal.

ACTION: A motion to approve Steve's draft comments as written was made, seconded, and approved. (5-2)

Right-of-way Improvement Manual – UFC participation update - Jeff

Jeff sent word that there has been no progress on this project.

UFC comments to ECA and LID updates – initial conversation

DPD staff said draft documents are not yet available.

UFC Bylaws and Protocols - continues

Move to next week

Natural Area Policy – how to proceed with UFC involvement

Move to next week. Steve will work with Donna and will be discussed at the July 1 meeting.

Public comment

Mary Fleck – From Seattle Green Spaces Coalition. The Interdepartmental team for Open Space will be issuing a report in July. Would encourage the UFC to tell the IDT to change the City's goal regarding City surplus properties and to set aside funds for acquisition.

Regarding the Comp Plan – all the mitigation of impacts is deferred to departments. Would like to recommend adoption of levels of service standards for parks and open space. Page 3.8.24 – does it refer to deforestation.

New business and announcements

None

Adjourn