

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Project Name: Tree Protection Clarification Legislation

Applicant Name: City of Seattle - Department of Planning and Development

Address of Proposal: City-wide application, City of Seattle, State of Washington

**SUMMARY OF PROPOSED ACTION**

The proposal is to amend the Tree Protection Code (SMC Chapter 25.11) to clarify the intent of the existing regulations as created in 2001 and amended in 2009.

The following approval is required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

**SEPA DETERMINATION:**             Exempt     DNS     MDNS     EIS  
 DNS with conditions  
 DNS involving non-exempt grading, or  
demolition, or another agency with jurisdiction.

**The Proposal**

This proposal would implement minor changes to SMC 25.11, Tree Protection, in order to clarify the intent of the existing regulations as created in 2001 and amended in 2009. Specifically, the ordinance would make the following two minor revisions:

- change the term “undeveloped land” used in SMC 25.11.040.A to “undeveloped lots” to make it consistent with the terminology used in the definitions section.
- add a new phrase “In addition to the prohibitions in subsection 25.11.040.A,” to SMC 25.11.040.B to clarify how this subsection interacts with the prohibitions in subsection A.

**Public Comment**

Opportunity for public comment and appeal is provided as part of the public notice of this determination. Amendments to the Municipal Code are legislative decisions. A

public hearing on the proposed legislation will be scheduled before the Seattle City Council. Notice of a Council public hearing will be provided prior to the hearing.

### ANALYSIS - SEPA

This proposal is an adoption of legislation and is defined as a non-project action. This action is not specifically addressed as a Categorical Exemption (SMC 25.05.800), and therefore it must be analyzed for probable significant adverse environmental impacts. A threshold determination is required for any proposal, which meets the definition of action and is not categorically exempt.

The disclosure of the potential impacts from this proposal was made in an environmental checklist submitted by the applicant dated May 11, 2010. The information in the checklist, the Director's Report and Recommendation, other information provided by the applicant, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

Adoption of the proposed amendments would result in no immediate adverse short-term impacts because the adoption would be a non-project action. The discussion below evaluates the potential long-term impacts that might conceivably result from differences in future development patterns due to the proposed amendments.

#### ***1. Natural Environment (including Earth, Air, Water, Plants and Animals, Energy, Natural Resources, Environmentally Sensitive Areas, Noise, Toxic/Hazardous Materials)***

As a non-project action, the proposal would result in no direct impacts to the natural environment. Indirect or cumulative impacts are likely to be positive as the protection of additional trees is likely to have potential benefits, including: filtration of air pollution, carbon sequestration, stormwater retention and absorption, noise buffering, and additional habitat, among others.

Greenhouse gas (GHG) emissions have also been considered, and no significant changes to GHG emissions are expected. It is possible that greenhouse emissions may be reduced as a result of anticipated greater tree retention throughout the City.

#### ***2. Energy and natural resources***

The proposed changes are not likely to result in the depletion of energy or natural resources. Minor indirect or cumulative adverse impacts could result where shading caused by retained trees reduces the amount of natural light reaching structures and increases the need for artificial lighting, or where it reduces the effectiveness of nearby photovoltaic cells. These impacts are likely to be minor and may be offset by potential positive impacts where retained trees provide shading in the summer time, which reduces air conditioning uses, and provide a buffer from wind in the winter, which increases thermal insulation.

#### ***3. Built Environment (including Land and Shoreline Use, Housing, Aesthetics)***

