

Tree Protection Proposal FAQ

1) Why is DPD proposing regulations but not an ordinance at this time?

The Tree Regulations Proposal is a staff recommendation for a future update to the Tree Protection Ordinance and Land Use Code. The analysis leading up to the recommendations involved studying data from other similar sized jurisdictions, existing tree canopy cover, areas of canopy growth and loss, recommendations from the Emerald City Task Force and meetings with tree advocates.

Proposing an approach before crafting legislation allows public feedback before developing the proposal too far. Public meetings will be held in September, with the comment period on the proposal extending through the end of October.

2) What is the purpose of these revisions?

DPD's proposed amendments seek to enhance the health of the city's urban forest by applying more rigorous landscaping standards and expanding the scope of existing regulations to address institutions and street trees in single family zones as well as larger retail and commercial uses in industrial zones. Additionally, DPD is proposing to repeal provisions that are not achieving their intent and to streamline others to support voluntary retention of trees in order to ensure that trees are not seen as a burden to property owners. These proposals are part of a city-wide effort, guided by the Urban Forest Management Plan, to expand the urban forest in Seattle and advance goals for a more livable and sustainable community.

3) What's the current state of Seattle's tree canopy?

Canopy cover analysis found that the city-wide tree canopy in 2007 was 22.9% and has increased slightly since 2003 from 22.5%.

4) How was that assessment made?

The canopy cover assessment was completed by NCDC Imaging using 2-ft resolution Quickbird satellite data and methods developed by the United States Forest Service Center for Urban Forest Research and the University of California-Davis. A copy of the report is available at www.seattle.gov/trees

5) What is the City's goal for increasing the canopy?

The City's Urban Forest Management Plan, adopted in 2007, established a goal of increasing canopy cover to 30% by 2037. There are also specific goals broken down by different management areas.

6) Where did the city gain canopy?

The canopy cover analysis indicates that city gained canopy between 2003 and 2007 in all management areas except natural areas, where there was small drop due to the impacts of invasive species. Canopy cover gains were greater in the right-of-way than private property, but gains were seen in both areas. However, some neighborhoods gain canopy while others decreased. Maps of canopy cover changes by area are available at <http://www.seattle.gov/trees/canopycover.htm>. The City is specifically targeting neighborhoods with low or declining canopy cover through its tree give-away programs listed below: <http://www.seattle.gov/neighborhoods/nmf/treefund.htm> <http://www.seattle.gov/trees/treesforneighborhoods.htm>

7) Where did it lose canopy?

In addition to natural areas, redeveloped parcels, which only represented about 1.8% of the city during this 3-year period, showed a substantial loss of trees with an average canopy of 30% (in 2003) to 17.7% (in 2007) in single-family areas, 17.7% to 5.4% in multifamily areas, and 6.5% to 4.3% in commercial areas. It is unknown to what extent this decline on redeveloped parcels represents a loss of tree canopy potential over time or the replacement of mature trees with new plantings that will grow over time; however, existing landscaping and Green Factor requirement will tend to ensure this canopy will increase in the future.

8) How is the city encouraging the increase in tree canopy?

The City's Urban Forest Interdepartmental team, consisting of representatives of all departments that manage trees, develops annual work plans to guide implementation, available at <http://www.seattle.gov/trees/workplans.htm>.

In addition to this regulatory update, key actions include:

- Implementing policy that all city-maintained trees that are removed must be replaced with 2 new trees; this program, in combination with other capital programs, resulted in the planting of 2050 new trees on public property in 2009
- Updating the city's street tree regulations
- Implementing new Trees For Neighborhoods program, a program that works with [EarthCorps](#) to provide free trees to Seattle residents in target neighborhoods.
- DON Street Tree Fund
- Green Seattle Partnership –program that has recruited and managed 87,000 hours of volunteer support to restore city natural areas
- ReLeaf, public outreach campaign

9) How do the new development regulations support the city's goal?

It is anticipated that new landscaping regulations proposed as part of this regulation and the expansion of the Green Factor program will result in substantially more canopy cover potential on new developments.

For Single-Family zones, this proposal would implement a tree credit requirement. A tree credit standard would require applicants proposing new or replaced homes to provide a specified number of tree credits through retention or planting. More credit would be given for preserved trees and species of trees with greater canopy cover potential. The tree credit system is calculated to ensure that new developments contain enough trees to meet the overall Single-Family canopy cover goal of 33% on the parcel after 15-years of growth.

The City has also implemented a Green Factor requirement for Commercial, Midrise, and Highrise zones and is anticipating expanding this to Lowrise zones. This proposal would extend the requirement to larger commercial and retail uses in industrial areas. Green Factor is a flexible alternative to traditional landscaping standards that allows applicants to meet an overall environmental services goal by choosing from a menu of options including tree retention, new planting, green roofs, green walls, and permeable pavement. It is expected that this requirement will increase the number trees and other green infrastructure elements on new developments.

10) Would the single-family tree credit system only apply to new homes?

The tree credit proposal would only apply to projects undergoing development in Single Family zones. Under the current proposal, it would definitely apply to new or replaced homes and we are soliciting input on whether it should apply to large additions.

11) Why eliminate the limits on removing trees from developed, non-ECA sites?

The existing limits were implemented as interim requirements while the City developed a better understanding of canopy cover trends and developed comprehensive regulations. Canopy cover analysis completed since this time indicates that existing canopy cover is higher than expected (for some time people thought it was at 18%) and is actually increasing slightly across all zones. The interim limits implemented a temporary moratorium on the removal of exceptional trees and placed limits on the number of non-exceptional trees that can be removed. These restrictions would necessitate requiring tree removal permits for the removal of any tree to be implemented as permanent regulations. In developing this proposal, DPD analyzed multiple approaches to implementing a tree removal permit and found that the costs of such an approach outweighed the benefits. In particular, tree removal permits would have limited effectiveness in increasing canopy cover, would limit property owner's options for managing their property, and would emphasize trees as a burden rather than benefit. DPD believes that in partnership with expanded education and incentives, these regulations will enhance and expand the urban forest in Seattle without compromising our overall goals for creating a more livable and sustainable community.

12) Why eliminate prohibition on removing exceptional trees?

A permanent prohibition on the removal of exceptional trees would be problematic because it would place a substantial burden on property owners and could create a disincentive to retaining such trees. Requiring permanent protection of trees once they reach a certain size prevents any flexibility for the few property owners who have exceptional trees to consider and balance personal and community goals

in managing their property. Additionally, strict exceptional tree requirements create a substantial disincentive to the voluntary preservation or planting of trees if property owners understand that they will be unable to remove them if they grow large.

13) Would the City require a tree removal permit for sites not undergoing development?

In summary, a tree removal permit is not recommended for the following reasons:

1. Limited effectiveness: A tree removal permit process allows few options for practical management of trees. A prohibition on removal of certain trees creates a substantial burden on property owners and could create a disincentive to retaining such trees. Requiring replacement does not ultimately slow the removal of trees and can be ineffective if property owners do not maintain their new trees during establishment. Both options create a disincentive to the voluntary preservation or planting of trees if property owners understand that they will be subjected to costs if they believe that they may wish to remove them in the future. Based on the experience of other municipalities, it is likely that a substantial number of people (estimated by staff in other cities as 20% - 40%) will not apply for permits due to the overall burden, costs, and lack of knowledge about permit requirements.
2. Limited enforcement potential: Enforcement relies on complaints and often requires assessment of situations based on the absence of a tree rather than a visible infraction.
3. Inflexibility and burden on property owners: An efficient regulatory approach must rely on simple, prescriptive rules that consider trees to the exclusion of other factors. Property owners must consider and balance personal and community values and goals in managing their property. A permit system would limit property owner's options for managing their property and add time and cost to maintaining and improving their property.
4. Cost: It is estimated that the cost of permit fees alone would be more than \$680,000 per year (6,800 permits times \$100 per permit), excluding any replacement requirement or fines. This amount is about two thirds of what that the City estimates it would need to meet tree canopy goals through direct planting. The cost of this requirement would disproportionately impact low-income communities and further discourage tree planting in these areas.
5. Effective alternatives: Canopy cover analysis between 2002/3 and 2007 demonstrates that canopy cover has been increasing without a tree removal permit. Existing trends indicate that the City may be able to achieve canopy cover goals without a permit system while maintaining flexibility for citizens to manage their property, particularly if other educational and incentive opportunities are explored.

14) What do other similar sized cities do to promote tree growth?

There are a variety of approaches used by other cities to promote tree growth. Seattle's proposed approach is generally consistent with approaches used by many large Pacific Northwest cities which have stronger tree regulations than most other parts of the country. Many small cities in the region require permits for some or all tree removal outside of development. These regulations are primarily focused on limiting yearly removal and, in some cases, requiring replacement of lost trees. However,

these regulations are generally limited to more suburban communities that may not have the same competing goals of tree canopy and smart growth (i.e. creating more jobs and housing in urban centers and villages close to transit and other services).