

On Mar 27, 2017, at 5:35 PM, Ramos, Jacqueline <Jacqueline.Ramos@seattle.gov> wrote:

Hi Nathan,

Following the presentation today, Shauna asked if I could share a few select process/practices recommendations that she could share with CM Johnson. She would like to demonstrate that there are recommendations from the research that can be implemented relatively quickly (in advance of any potential code changes). She will be reaching out to you to discuss. Following that discussion, if you approve, I can share the PPT with Shauna so that she can choose recommendations to share with CM Johnson.

Thanks!
Faith



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Tree Regulations

Research Project – Phase II
Final Findings and Recommendations

March 27, 2017

Agenda

- Tree Regulations Research Project Introduction – Faith (5 min.)
- Tree Regulations Research Findings and Final Recommendations – Faith and Maggie (40 min.)
- Planned zoning changes potential impacts – Brennon (5 min.)
- Questions and next steps – (10 min.)

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Project scope

Objective: Tree Protection recommendations

Research questions

- Is current code protecting trees?
- Are we mitigating for tree loss?
- Is current code helping us achieve our canopy cover goals?

Scope:

- Tree regulations effectiveness in Multifamily Lowrise and Single-family
- Tree protection regulations in regional cities and those similar in size
- 2016 canopy cover assessment results
- Planned zoning changes effect on tree loss

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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

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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.

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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.

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Phase II Findings

In general

Current code is not supporting tree protection

Over-the-Counter approvals

Losing exceptional trees (and groves) in general. Most in Environmental Critical Areas. Majority landslide-prone areas.

Hazardous = no replacement.

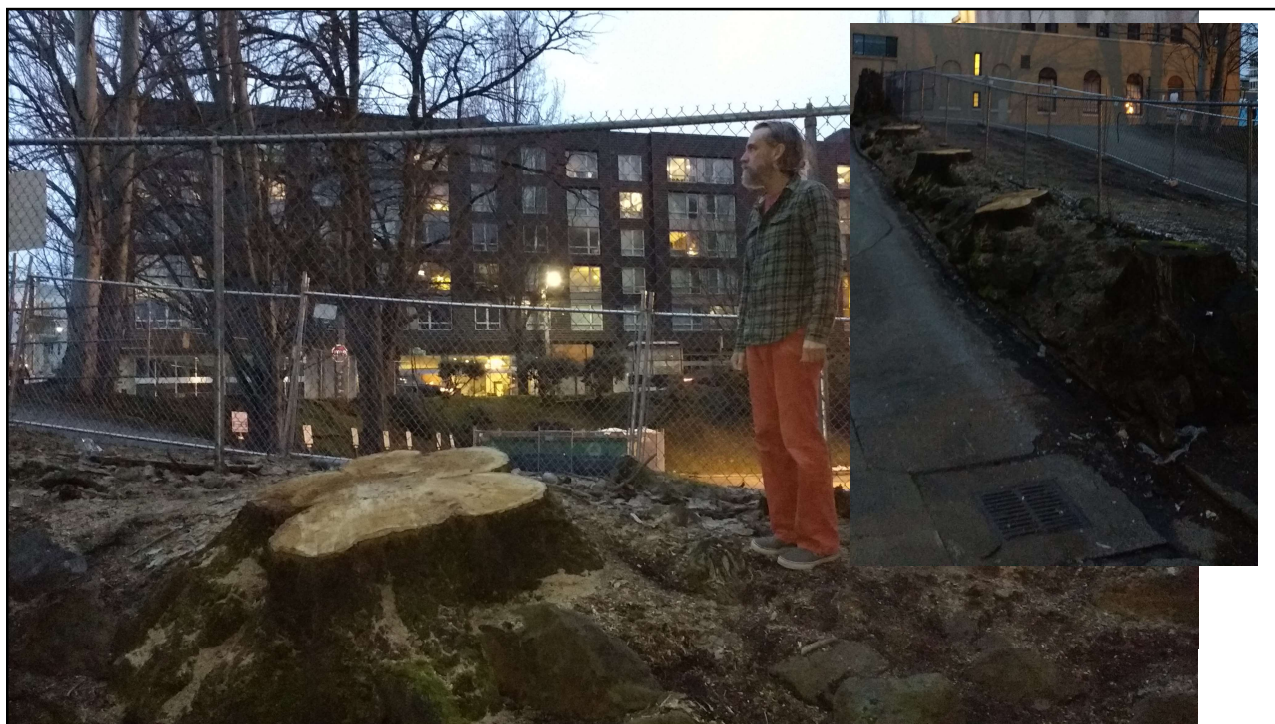
Type I and II permits

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 is not working.

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Phase II 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

Phase II Findings (from complaints)

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)

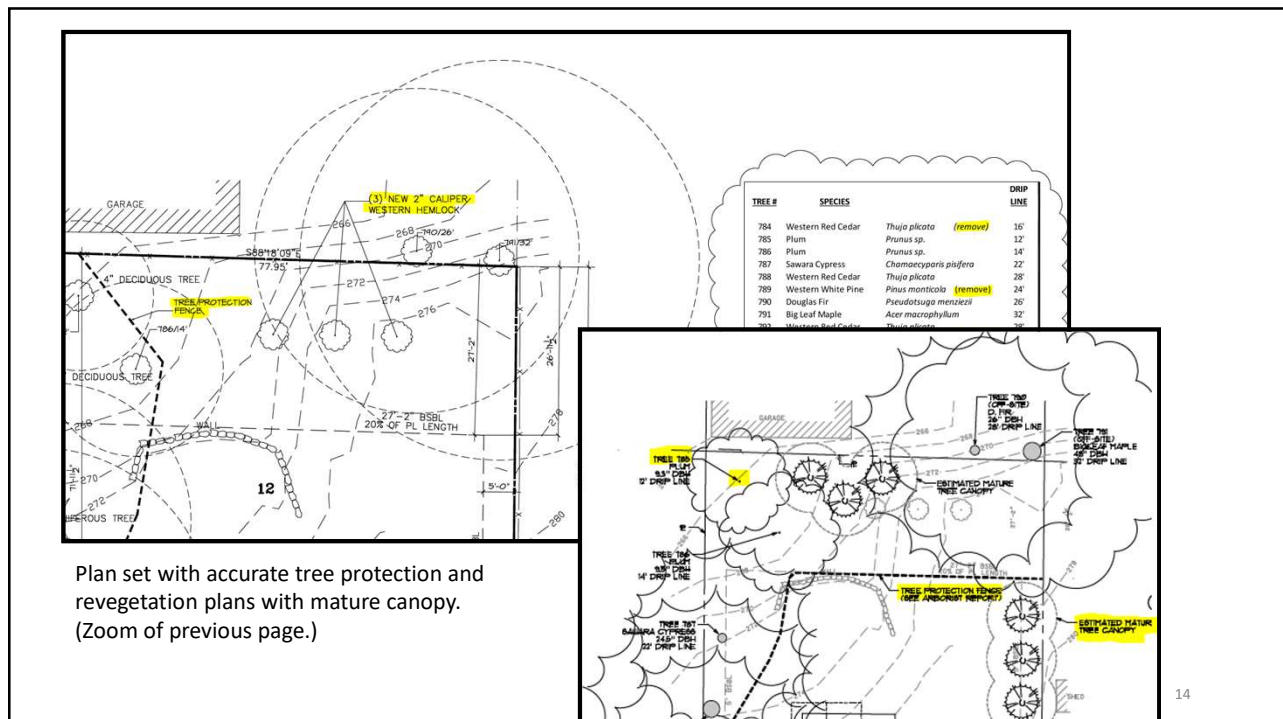
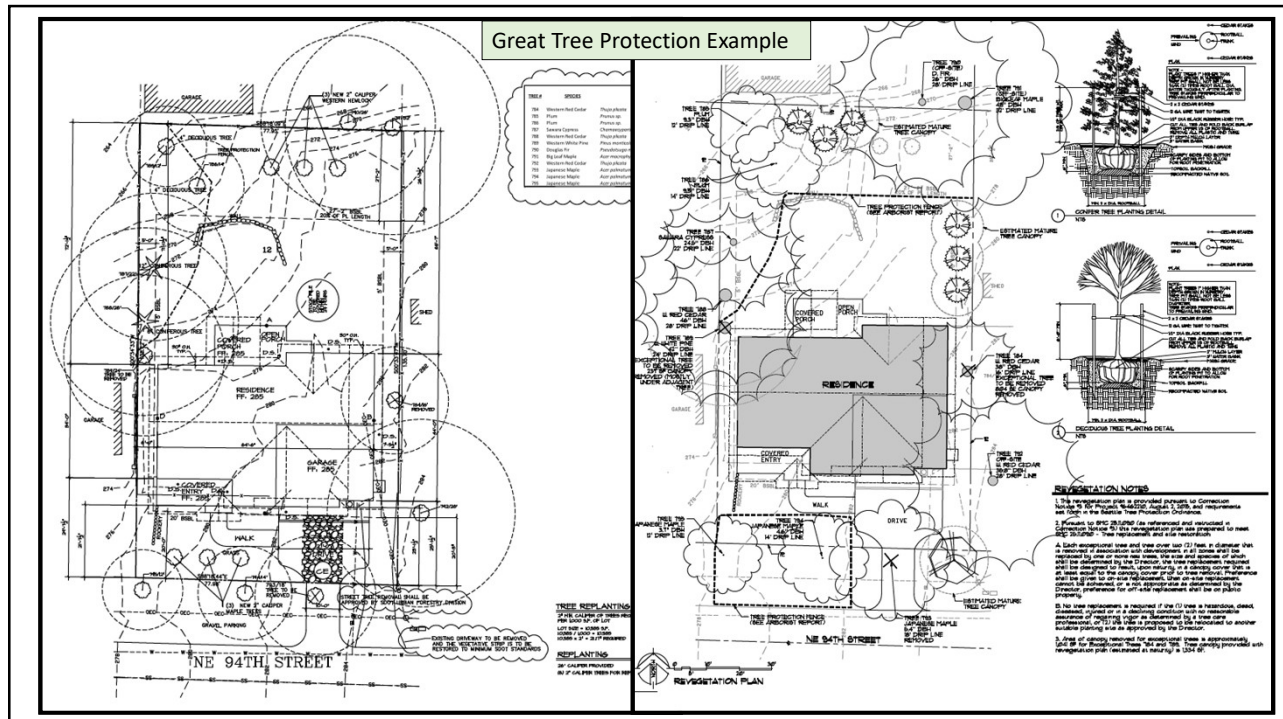
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Phase II Findings

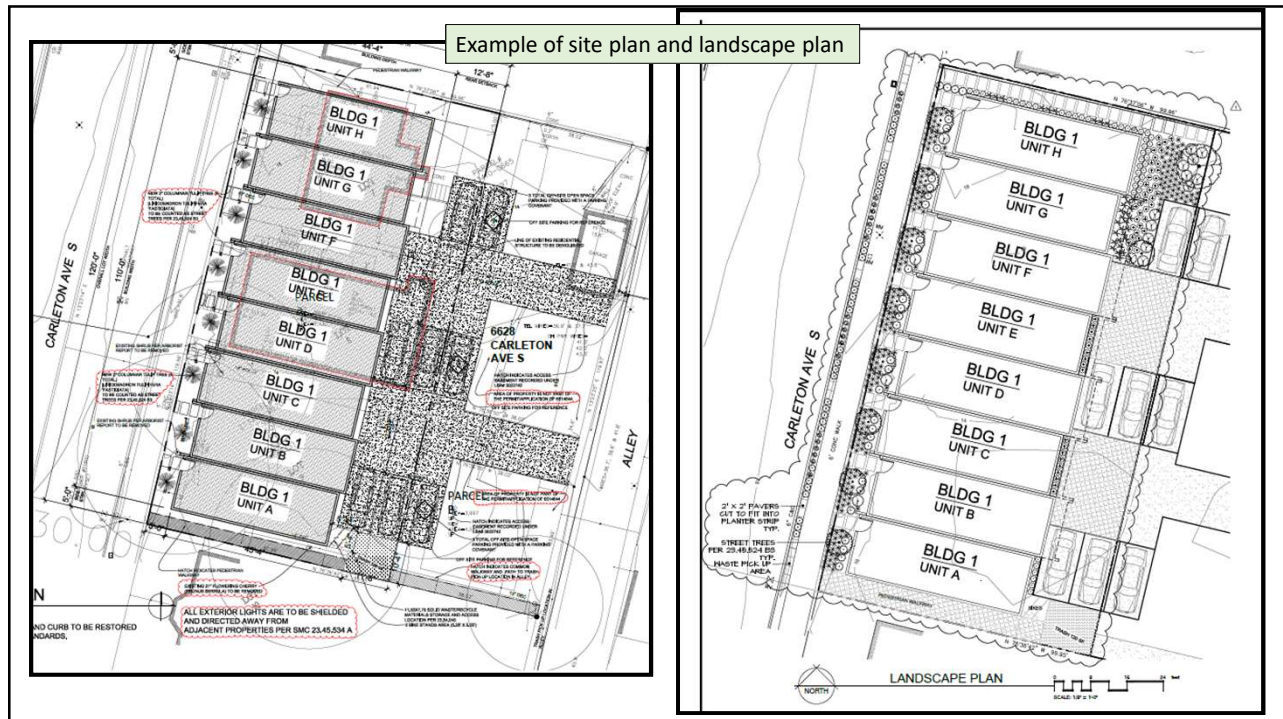
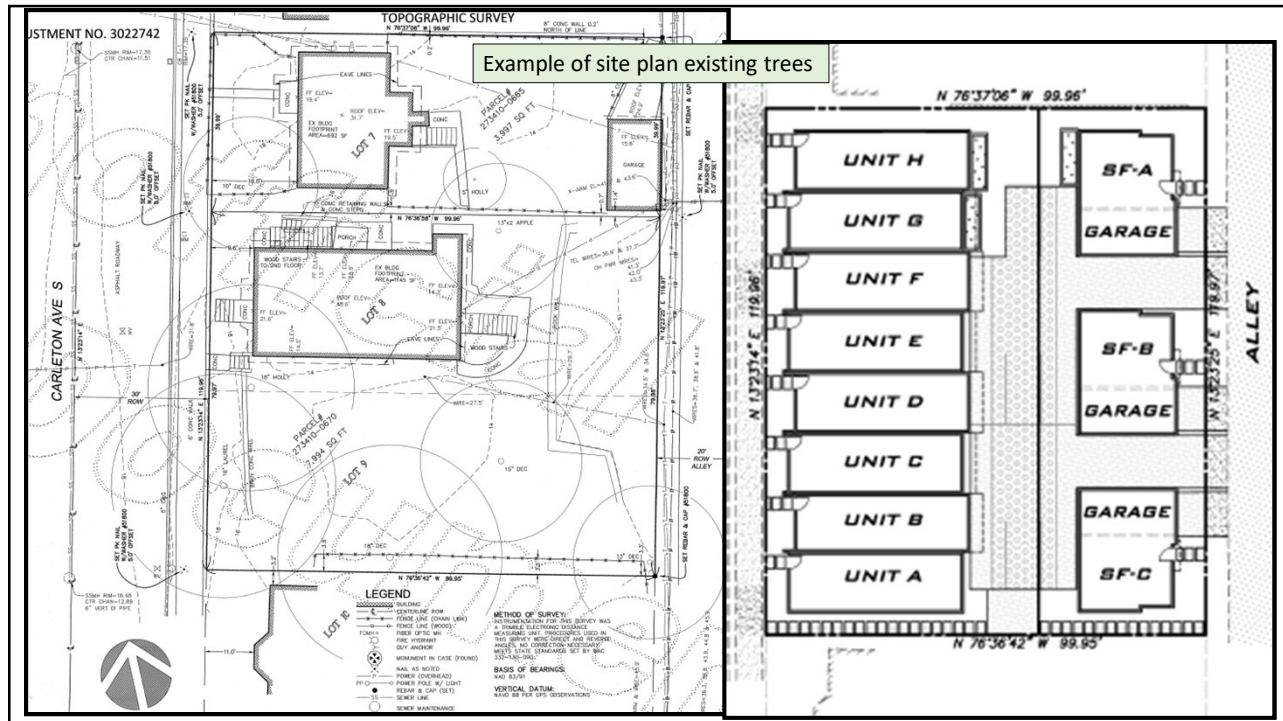
Type I and II permits

- Design Review and code-required tree protection are being avoided.
 - 0.3% Design Review projects cited Tree Protection
- **Landscaping standards inconsistently inspected/enforced.**
 - **Infrequent use of final inspection form - DR 30-2015, Attachment A.**

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Plan set with accurate tree protection and revegetation plans with mature canopy.
(Zoom of previous page.)



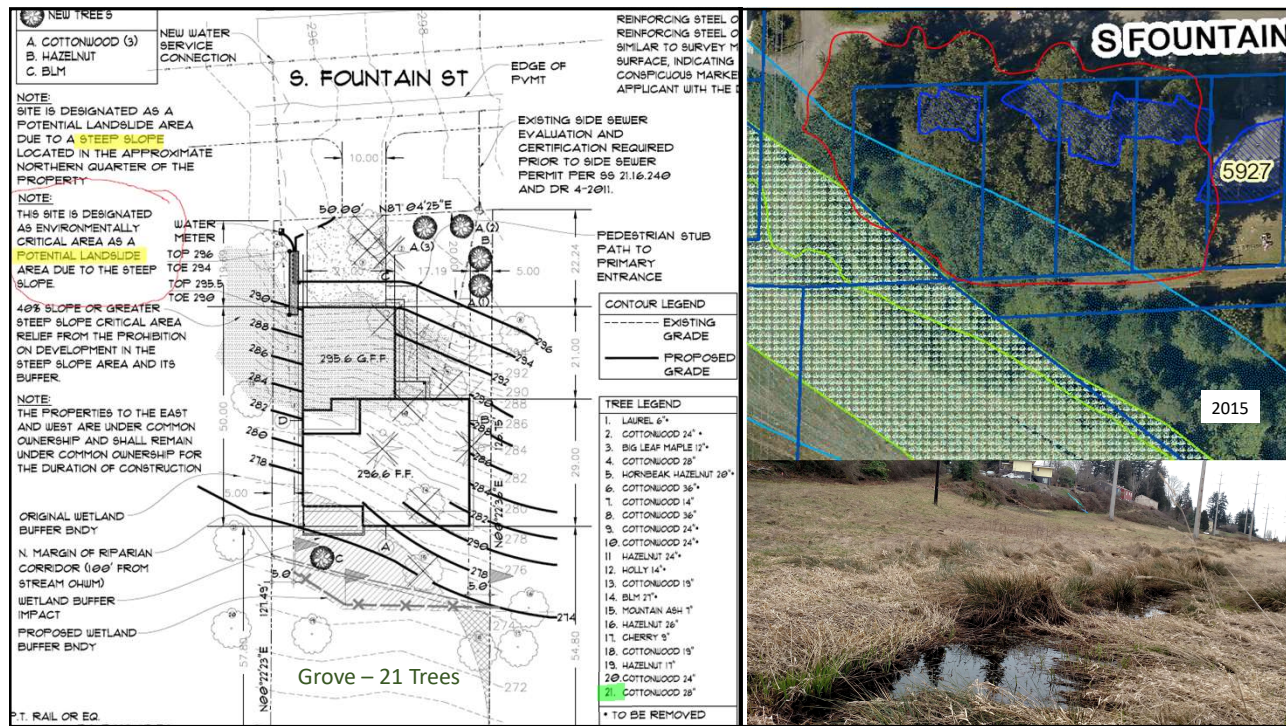
Phase II Findings

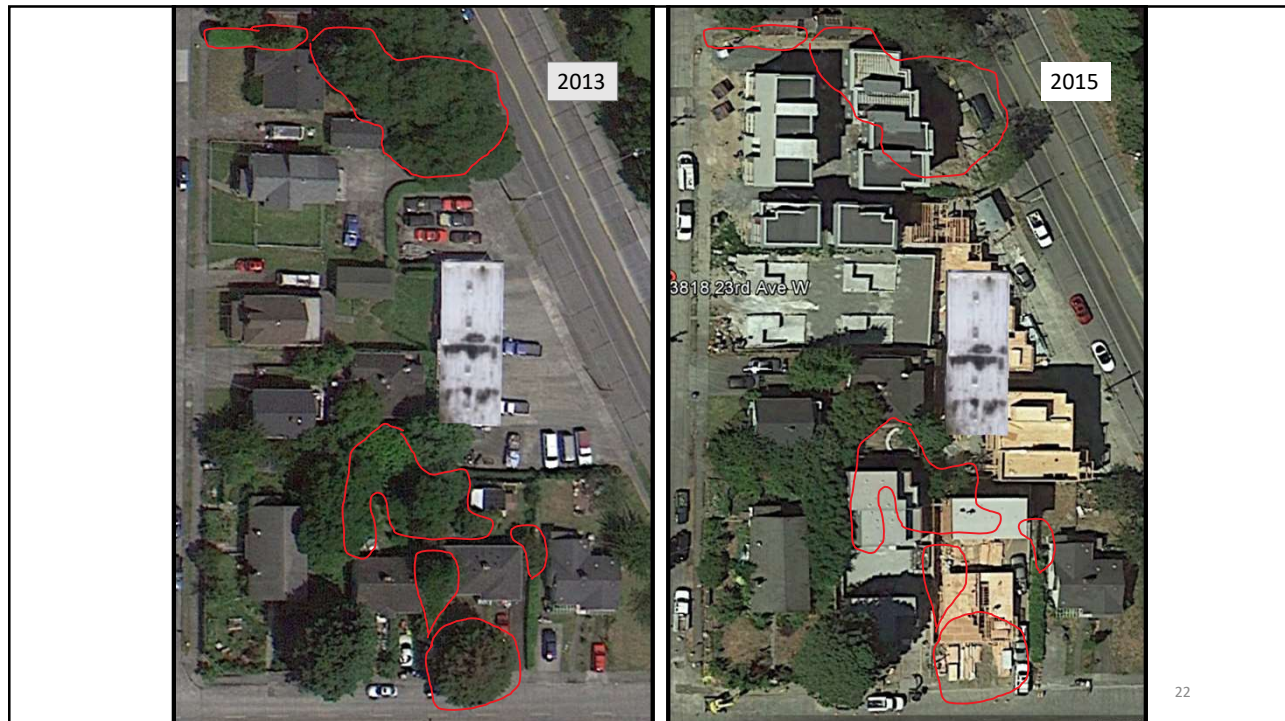
Landscaping Standards Required for Life of Project – SF, MF

- **Director's Rule 30-2015**
 - Installation and maintenance for life of project required.
 - “Legal action” for non-compliance (SMC 23.40.002).
- **23.40.002 - Conformity with regulations required**
 - Change of use of any premises or any part thereof requires approval per 23.76.
 - Owners are responsible for any failure of such premises to conform to regulations of Title 23.
- **23.40.004 Reduction of Required Spaces**
 - No minimum landscaping shall be reduced below minimum development standards.

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Examples on the ground







Final recommendations

1. Existing regulations with improvements
 - 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

Incentives to be considered in all of the above

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1. Existing regulations with improvements

Existing with – Code Improvement

1. Revise definition for 'hazard' conditions
2. Require replacement/mitigation for hazardous tree removal
3. Remove process uncertainty by including required documentation for tree removal applications (including site plans)
 - Include exceptions for undue hardship
4. Require like-for-like replacement for tree
5. Add tree survivability language
- 6. Update list of exceptional trees (add species)**
- 7. Protect/preserve large trees and groves for public benefit**
- 8. Payment in lieu and performance bond. Address potential equity concerns**

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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**

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Existing with - Other

1. Implement training program
 - A. Internal
 - A. Tree Protection/Preservation/Planting
 - B. Code enforcement
 - B. External
 - A. **Training requirement for tree service Cos.**
 - B. **Hold them accountable for illegal removals**
2. Develop tree loss mitigation tools
 - A. Permit and incentives
 - B. **Subsidies for tree maintenance**
 - C. **Tree receiving zones**



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Incentives - Citywide

- **Citywide**
 - Subsidized trees. Tree giveaways and planting programs.
 - Partnerships: with nurseries, non-profits.
 - **Tree expertise/advice for private tree owners.** Leaf management assistance. Reduced costs for yard waste bags. **Annual Day of Tree Care – volunteer ISA Arborists**
 - **Property tax incentive for protected groves**
 - Allowances for construction staging in ROW to allow preservation of large trees during construction (in partnership with SDOT)
 - ***Public education about importance of trees to increase private tree stewardship**
 - ***Good inventory system**

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Incentives - SDCI

- **SDCI**

- Development bonuses (setbacks, lot coverage, density limits, parking, height, Floor Area Ratio)
- Payment/more credit for tree retention
- **Expedited permit**
- Technical assistance on tree retention
- *Use fee in lieu to remove barriers to large tree ownership
 - Maintenance assistance with equity focus (elderly, etc.)
- ***Make tree cutting 'forgiveness' more onerous than permit**
- ***Performance bond linked to final inspection and Certificate of Occupancy**
 - Obtain valuation of mature trees to be preserved and include that amount in landscape plan to be covered by bond.

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Incentives – other departments

- **Other departments**

- Stormwater incentive (beyond just allowing it as option)
- Drainage rate incentive
- ***Stop tree topping for views**
- ***Increased City management of street trees (SDOT to manage all street trees)**

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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
- Replacement required when trees are allowed to be removed.

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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

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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

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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 (from payment in lieu).
- *Explore transfer of development rights.

Next Steps

- Final report and research wrap up by March 31
- Jessica and Nathan decision
- E-team briefing memo
- CM Bagshaw and CM Johnson conversation

Beyond this project's scope:

- Robust outreach and engagement if moving forward a new ordinance
- Determine implementation costs of recommendations

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Related happenings

- TreePAC (political action committee) will host working session to provide recommendations to the City RE: tree ordinance update (April)
- Urban Forestry Commission interested in pushing for Tree Protection Ordinance update
- CM Harrell and CM Bagshaw interest in Tree Regs update at UFC member appointment meeting

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Tree Regulations Phase II

Questions?

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