



Seattle
Office of Planning &
Community Development

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To: Councilmember Tammy Morales, Chair Land Use Committee
Councilmember Dan Strauss
Councilmember Maritza Rivera
Councilmember Cathy Moore
Councilmember Tanya Woo

From: Rico Quirindongo, OPCD
Tim Lehman, OPCD
Geoff Wentlandt, OPCD

Subject: Response to 2024 Statement of Legislative Intent OPCD-002S-A: Request that OPCD and SDCI develop a monitoring and evaluation plan for trees on private property

Background

The Council passed Ordinance 126821 in May 2023 to fully update the city's tree regulations, which went into effect on July 30, 2023. Statement of Legislative Intent (SLI) OPCD-002S-A requests that the Office of Planning of Community Development (OPCD) and Seattle Department of Construction and Inspections (SDCI) develop a plan to monitor and evaluate the impacts of the new regulations to ensure that they support the City's goals for tree canopy cover, environmental justice, and climate resilience.

The SLI calls on OPCD and SDCI to develop a plan of action or approach to accomplish the following primary components:

- Develop compliance and effectiveness monitoring processes
- Provide updates to the public and Council on tree removal, replacements, preservation during development, and complaints
- Provide updates specifically on the use of the in-lieu fee for tree planting
- Create outreach materials for developers and the public that illustrate how projects can be adapted to preserve trees on site.

OPCD is providing this memo to councilmembers in response to the SLI to fulfill our obligation as a named agency in the SLI. However, SDCI, as the City's permitting and inspections agency, has performed the bulk of the work regarding monitoring and evaluation of the new regulations. In this memo, OPCD provides an update on our department's recent work related to trees and a high-level summary of our understanding of progress on monitoring and evaluation topics. SDCI is providing a more complete and quantitative SLI response memorandum to complete the SLI response. Throughout this memo we will cross reference SDCI's concurrent SLI response memorandum.

Context and Response Summary

The City's goal, originally set in the [2007 Urban Forest Management Plan](#) is to achieve at least 30 percent tree canopy cover by 2037. A 2021 Tree Canopy Assessment revealed that Seattle's tree canopy was around 28 percent and had decreased slightly of late. The report noted that neighborhoods that experienced greater than average citywide canopy cover loss were those with less canopy cover and have been most impacted by racial and economic injustice. The analysis found that while the Neighborhood Residential (NR) zone comprised 39 percent of Seattle's land area, it contained nearly half of the city's total canopy cover.

In addition to the specific aspects of monitoring called for in the SLI, we are working on other efforts related to tree canopy coverage and tree retention. Below, we highlight additional areas of work related to tree protections and monitoring, and then address specific aspects of the SLI.

Integration of new goals into ongoing and upcoming planning efforts. OPCD is supporting the City's goal to achieve at least 30 percent tree canopy cover by 2037. A key element of this support is to formally incorporate it into the City's official plans and policies. To do so, OPCD added a new direct reference to the quantitative goal by adding a new goal CE G12 in the draft One Seattle Comprehensive Plan major update. The goal states: "Seattle has a healthy urban forest with a tree canopy that covers at least 30% of the land, which maximizes the environmental, economic, social, and climate-related benefits of trees." This new goal is at the start of a whole new section that has not been in prior comprehensive plans titled "Tree Canopy". The Tree Canopy section of the draft plan includes nine distinct policies that describe specific measures and actions that the City should prioritize over the life of the 20-year plan to achieve the new quantitative 30% tree canopy goal.

Additionally, OPCD will incorporate direct references and new specific goals or policies about tree canopy coverage in each of the forthcoming Regional Urban Center Subarea Plans: Downtown, Uptown, South Lake Union, First Hill/Capitol Hill, Northgate and Ballard. These plans will include specific strategies concerning the unique local conditions of tree canopy in each subarea and identify goals and policies to ensure that each regional center makes a meaningful contribution to put the city on a path over time to its 30 percent tree canopy goal.

Maintaining and enhancing regulations that support tree canopy coverage in ongoing efforts to revise the Neighborhood Residential (NR) zone. OPCD is currently engaged in the process to completely update the City's NR zones as required by HB 1110 from the 2023/24 legislative session. HB 1110 requires cities to amend their regulations to expand allowances for middle housing types, such as plexes, townhouses and rowhouses in formerly single-family zones. OPCD has taken a balanced approach to the draft proposed regulations with an eye towards ensuring tree protections are strong.

Response to Specific SLI Components

The section below discusses how the city is fulfilling the specific SLI components. Since most of this work is being executed excellently by SDCI, OPCD provides a high-level summary and references to SDCI's upcoming SLI response where appropriate. While the departments have made significant progress, it should be noted that less than 1 year has passed since the new regulations have been in effect. There has not been enough time to formulate a complete approach to all the SLI components. OPCD and SDCI assure councilmembers that progress to complete the work on all aspects of the SLI is advancing even if it is not yet possible to respond completely due to limited data.

Developing compliance and effective monitoring processes.

SDCI issues construction and Master Use Permits (MUPs) through its regular permitting practices. When applicants propose development they must comply with the tree regulations¹ by identifying trees on site including trees by their caliper and species. SDCI reviewers confirm that tree code requirements are met before issuing an approved permit.

If any trees that are not approved for removal or modification as part of an issued permit are removed or modified during development or if trees are otherwise removed or altered in violation of the tree regulations, the violator is subject to monetary civil penalties. The amount of the penalty is outlined in SDCI [Director's Rule 17-2018](#) and is generally calibrated according to the cost of replacing the lost or altered tree. The amount of the fines consider a variety of factors, including a possible tripling of the penalty for willful or malicious cutting. Fines routinely total many thousands of dollars. Civil fines are the primary compliance and enforcement mechanism and are designed to be a deterrent to violation of the code.

SDCI has strong practices in place to ensure that areas identified for tree protection during development will achieve long-term tree survival and health. At the time of the development SDCI requires a report that includes information regarding minimizing disturbance of the ground in an outer protection area, and provides fact-based information for methods to minimize impacts of excavation and other construction-related activities near trees to be protected. In appropriate cases the permit review requires design changes and/or alternative construction methods to minimize disturbances.

If the project includes on-site tree replacement, the developer is required to submit a report that includes specifications for soil improvement, irrigation and other tree health measures to meet maintenance requirements for 5 years. SDCI [director's rule 12-2023](#) outlines details for these requirements that applicants must follow. In many cases, depending on the circumstances of tree replacements, a report must have the signature of an approved arborist verifying that the replacement trees are appropriately sited and specified for a high likelihood of survival.

In addition to these efforts that are focused on the project level, the City through its Office of Sustainability and Environment (OSE) will continue to prepare periodic citywide tree canopy

¹ Due to land use vesting procedures, the new tree regulations only apply to development projects submitting for new permits after the July 31st, 2023 effective date of Ordinance 126821. Therefore, projects that were in the permitting pipeline before that date, which may just be receiving permits now or starting construction, are subject to the prior tree regulations. Very few developments under the new code will have reached the construction stage as of the date of this report.

assessments. Every five years, the City will conduct a full-scale canopy cover assessment. The method for the assessment combines Light Detection and Ranging (LiDAR) data and aerial imagery by plane flyovers to provide a detailed tree canopy map. Prior assessments were done in 2016 and 2021. By using the same methods and measurement techniques over time, the City will be able to assess progress towards the ultimate canopy coverage goal.

[Updates to the public and Council on tree removal, replacements, preservation during development, and complaints.](#)

Since new regulations became effective, SDCI has received hundreds of construction applications with components related to trees that address the preservation or planting of thousands of trees. To supplement information in the permitting plan sets, SDCI has built an entirely new database for the express purpose of monitoring and providing transparent information to the public and decisionmakers. This system is built on a separate database from the permitting system. The database includes a public facing mapping resource. The public-facing map is available to anyone 24 hours a day. It includes a wealth of data related to trees, including tree removals, replacements and preservation. The new database is set up to have public-facing availability as well as back of house capabilities that allow staff to generate detailed reports. The system can roll up data in response to requests at any time. The database and mapping are set up to have a clear demarcation of tree actions and tracking from 2023—the time of the new regulations—forward. The database contains all information related to tree actions that intersect with the land use code and the tree code. SDCI’s concurrent SLI response memo includes some quantitative reporting from this database.

[Updates specifically on the use of in-lieu fees](#)

If an applicant for development chooses in-lieu fees, a fee is assessed to the removed tree and must be paid at the time of permit issuance. Amounts are calculated per the Director’s Rule. Any fees collected are distributed 1.) to SDOT at 69% of the total, and 2.) to Parks at 31% of the total. The funds are transferred directly to those departments and are to be spent by those agencies in census tracts with 25% or less tree canopy. As of this writing, only 1 permit application had elected the in-lieu fee option and paid those funds. The total amount was approximately \$17,000. All other new permits subject to the new tree code are meeting the requirements either by retaining existing trees, planting new ones on site or in the adjacent right of way, or some combination thereof.

It is our understanding that due to the small total amount of funds received and the newness of the program, the funds have not yet been directly allocated to new tree plantings. The funds are retained and currently available for use at the discretion of Parks and SDOT.

[Strategies for creating outreach compliance and effective monitoring processes.](#)

SDCI has completed a tremendous amount of outreach to the public and the development community about the new regulations. Outreach methods and actions include the following: In recent years, SDCI has updated all of its TIP documents in the tree regulations series (242 [A,B,C,D](#)). TIPS are plain-language guides to the development community explaining how to interpret and comply with the code. SDCI also recently completed updates in the code related to tree service providers and registry and noticing requirements, although some of these changes predated the new regulations.

During the last year, for general public audiences, SDCI attended two home fairs, held online webinars and Q&A sessions, and partnered with [SPU's Trees for Seattle website](#) to update content and provide information about the new tree regulations. SDCI is currently coordinating with DON to continue a phase II of outreach and engagement that will focus on communities that speak English as a second language. SDCI did a survey to ask people how they could conduct better outreach and education. SDCI created and monitors a virtual applicant services center to which anyone can email a question or leave a voicemail 24 hours a day. A new trees-focused website has one email address SDCI-trees@Seattle.gov that sends all questions directly to the team of staff that is expert on tree regulations. SDCI's tree code experts answer an average of 5–15 questions per day specifically related to the tree code. SDCI staff have also presented to and listened to guidance from the Urban Forestry Commission within the last year. The City Council was briefed on these efforts in September of 2023.