

# 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.)

# 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

# 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

# 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.

# 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.

# 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.

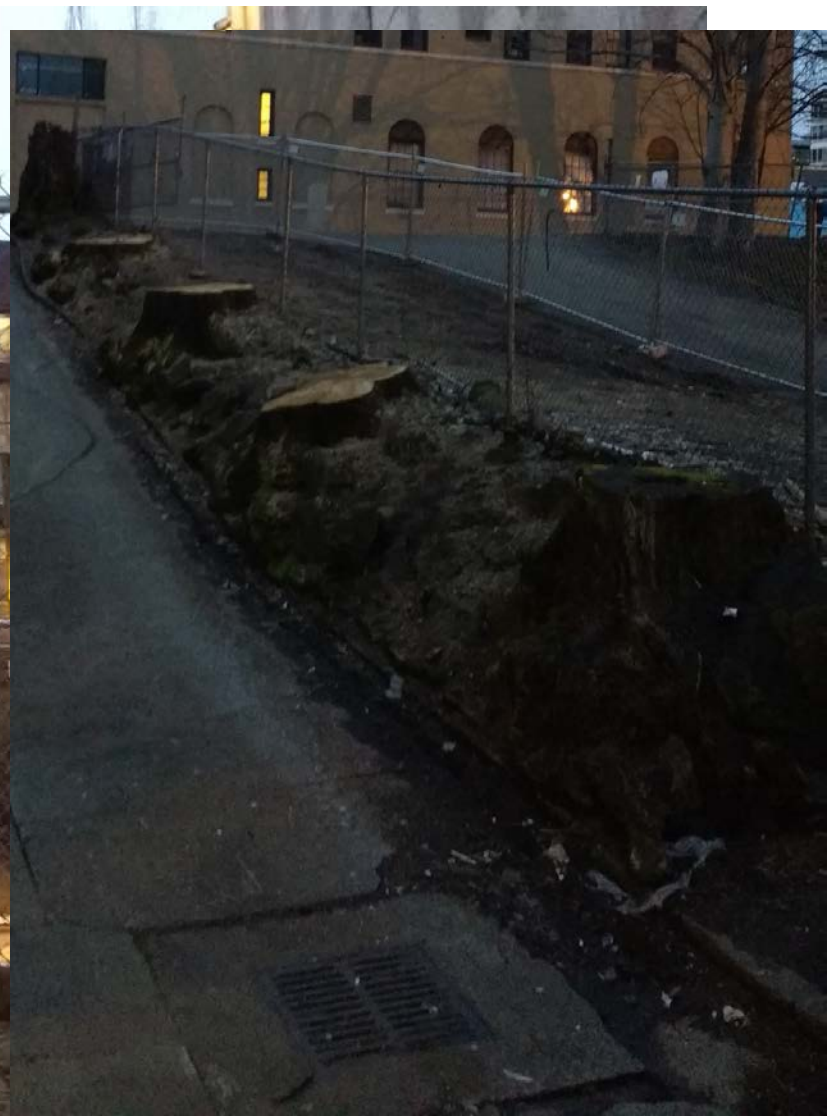
## **Type I and II permits**

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.







# 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

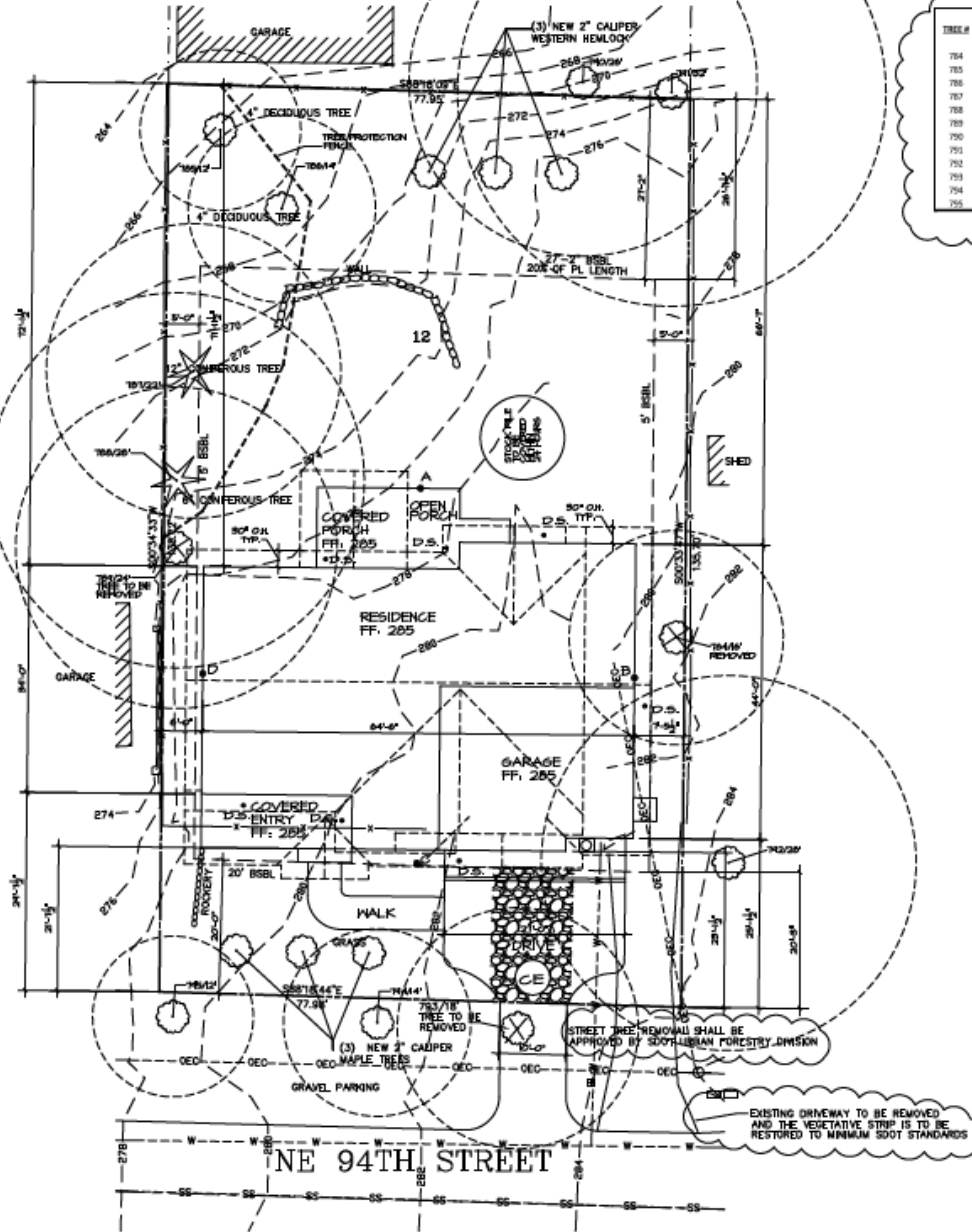
- Trends: Tree cutting complaints resolved as “Non-violation”  
2008 = 27%, **2010 = 52%**, 2015 = 75%
- Tree cutting complaints with retroactive hazardous tree removal approval and no violation. Hazardous = no replacement.
- Perceived lack of responsiveness to tree removal complaints (Public comment at Urban Forestry Commission)

# Phase II Findings

## **Type I and II permits**

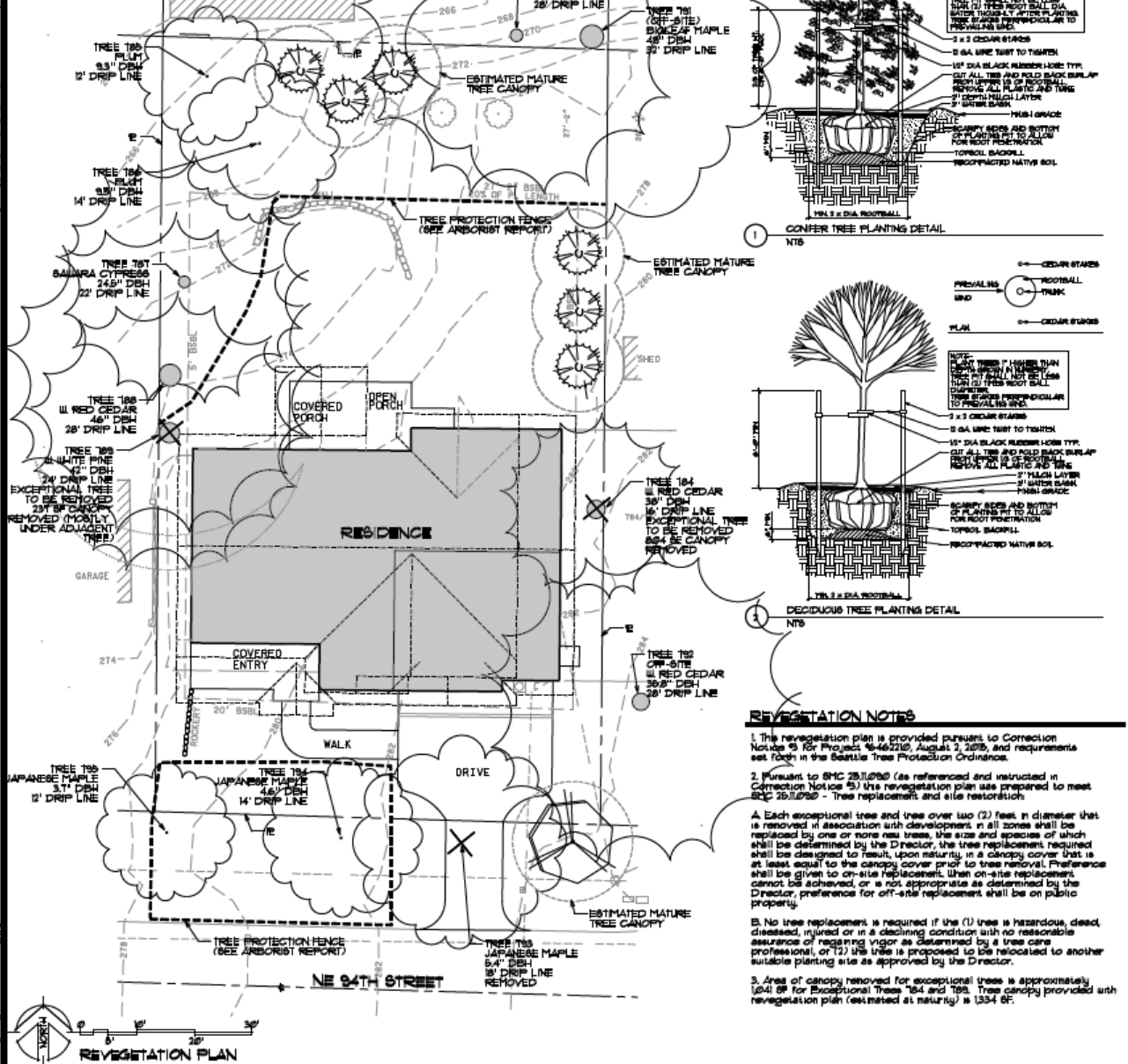
- Design Review and code-required tree protection are being avoided.
  - 0.3% Design Review projects cited Tree Protection
- **Landscaping standards inconsistently inspected/enforced.**
  - **Infrequent use of final inspection form - DR 30-2015, Attachment A.**

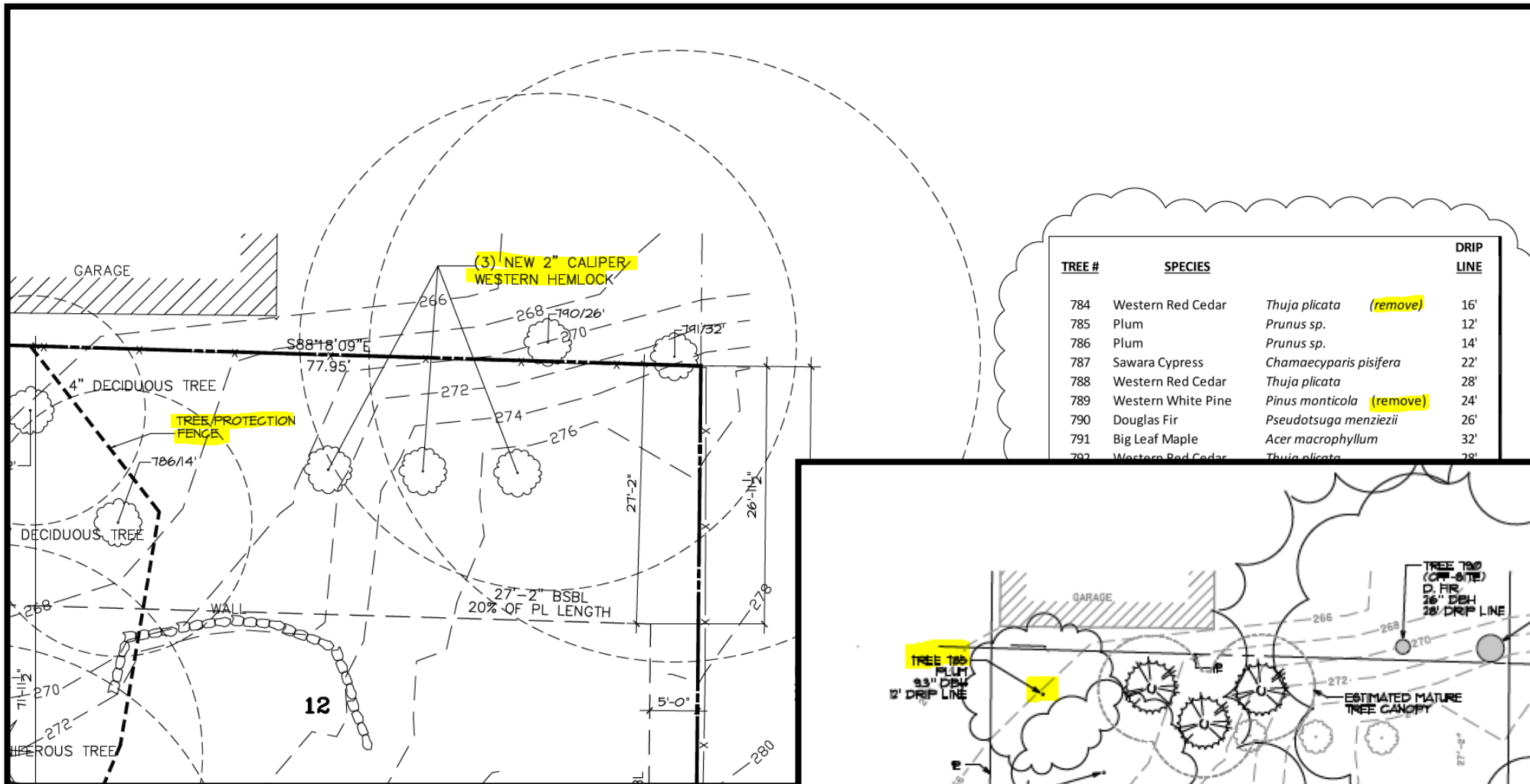
# Great Tree Protection Example



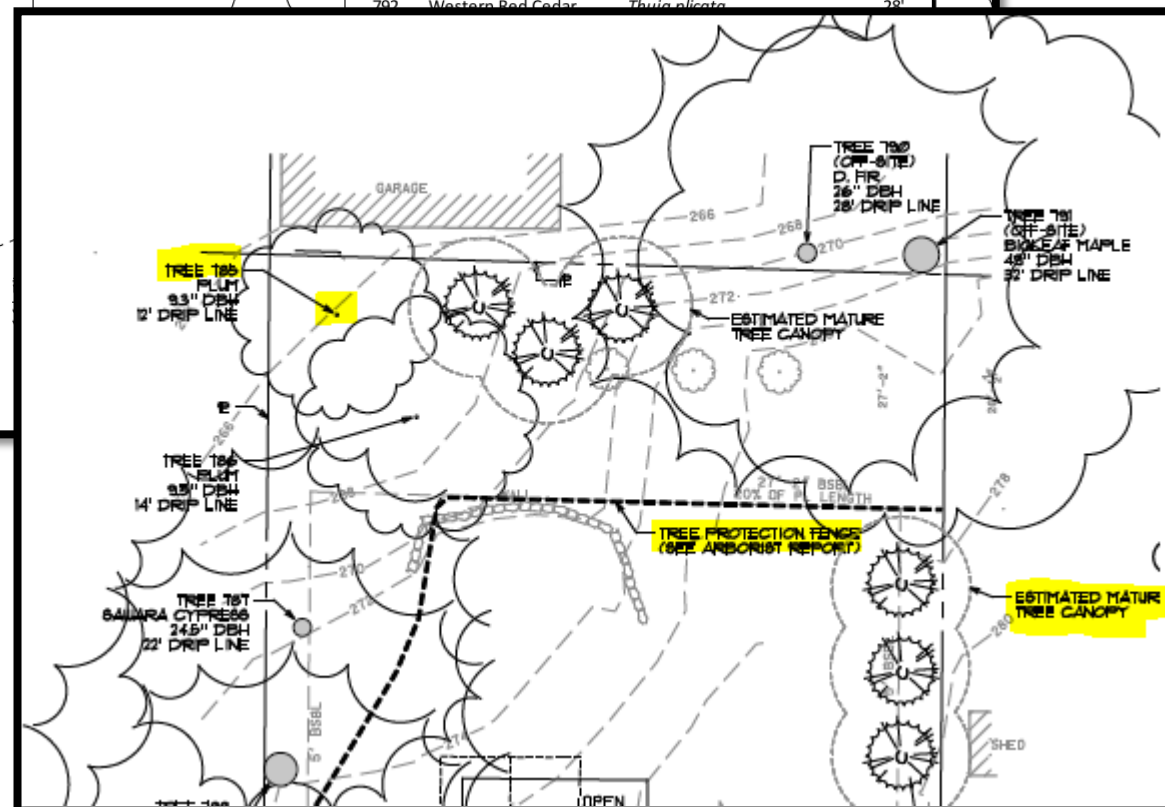
**TREE REPLANTING**  
 3" MIN. CALIPER OF TREES PER 1000 S.F. OF LOT  
 LOT SIZE = 10588 S.F.  
 10588 / 1000 = 10.588  
 10.588 x 3" = 31.7" REQUIRED

**REPLANTING**  
 36" CALIPER PROVIDED  
 (N) 2" CALIPER TREES FOR PER





TREE #	SPECIES		DRIP LINE
784	Western Red Cedar	<i>Thuja plicata</i> (remove)	16'
785	Plum	<i>Prunus</i> sp.	12'
786	Plum	<i>Prunus</i> sp.	14'
787	Sawara Cypress	<i>Chamaecyparis pisifera</i>	22'
788	Western Red Cedar	<i>Thuja plicata</i>	28'
789	Western White Pine	<i>Pinus monticola</i> (remove)	24'
790	Douglas Fir	<i>Pseudotsuga menziesii</i>	26'
791	Big Leaf Maple	<i>Acer macrophyllum</i>	32'
792	Western Red Cedar	<i>Thuja plicata</i>	28'

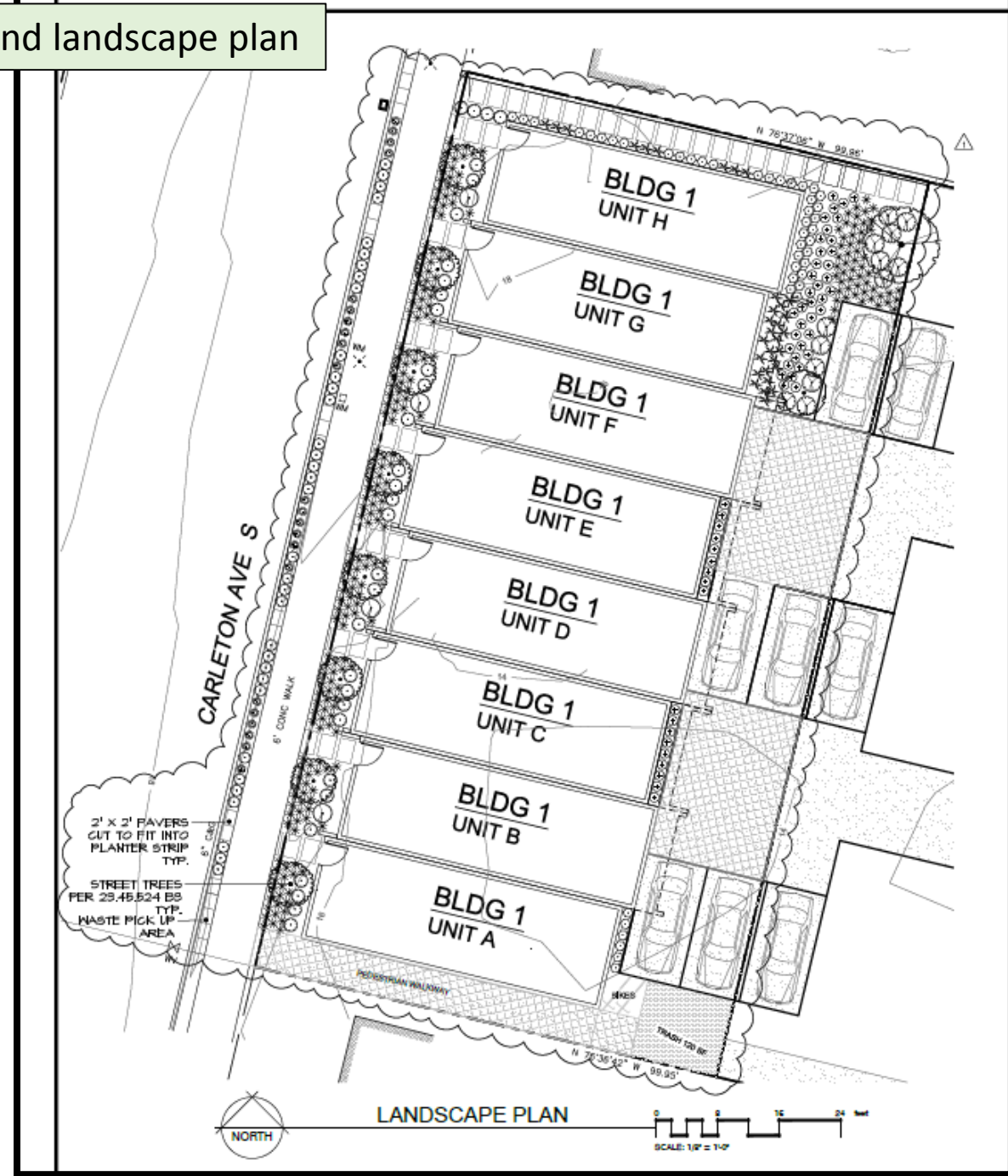
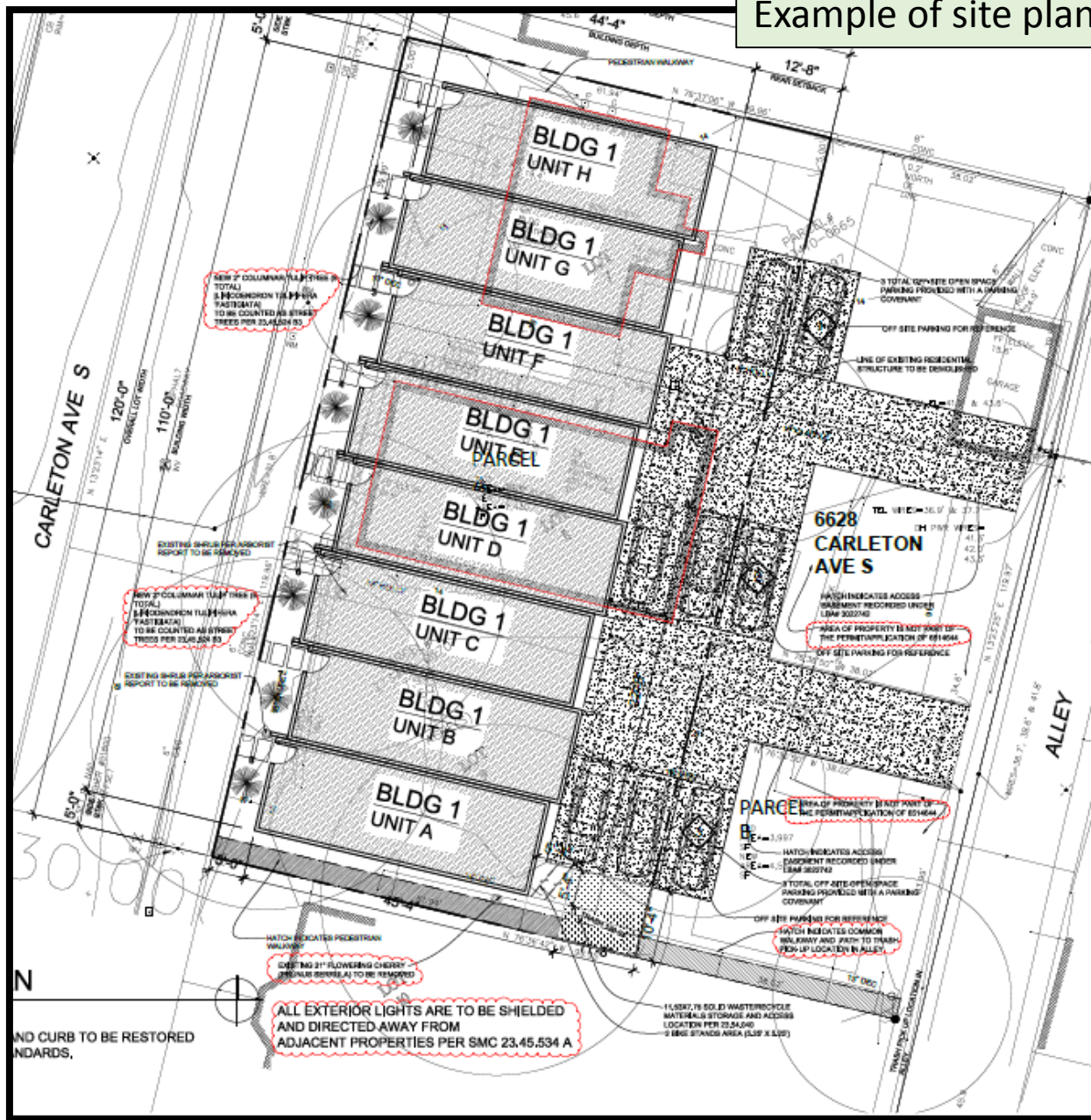








Example of site plan and landscape plan



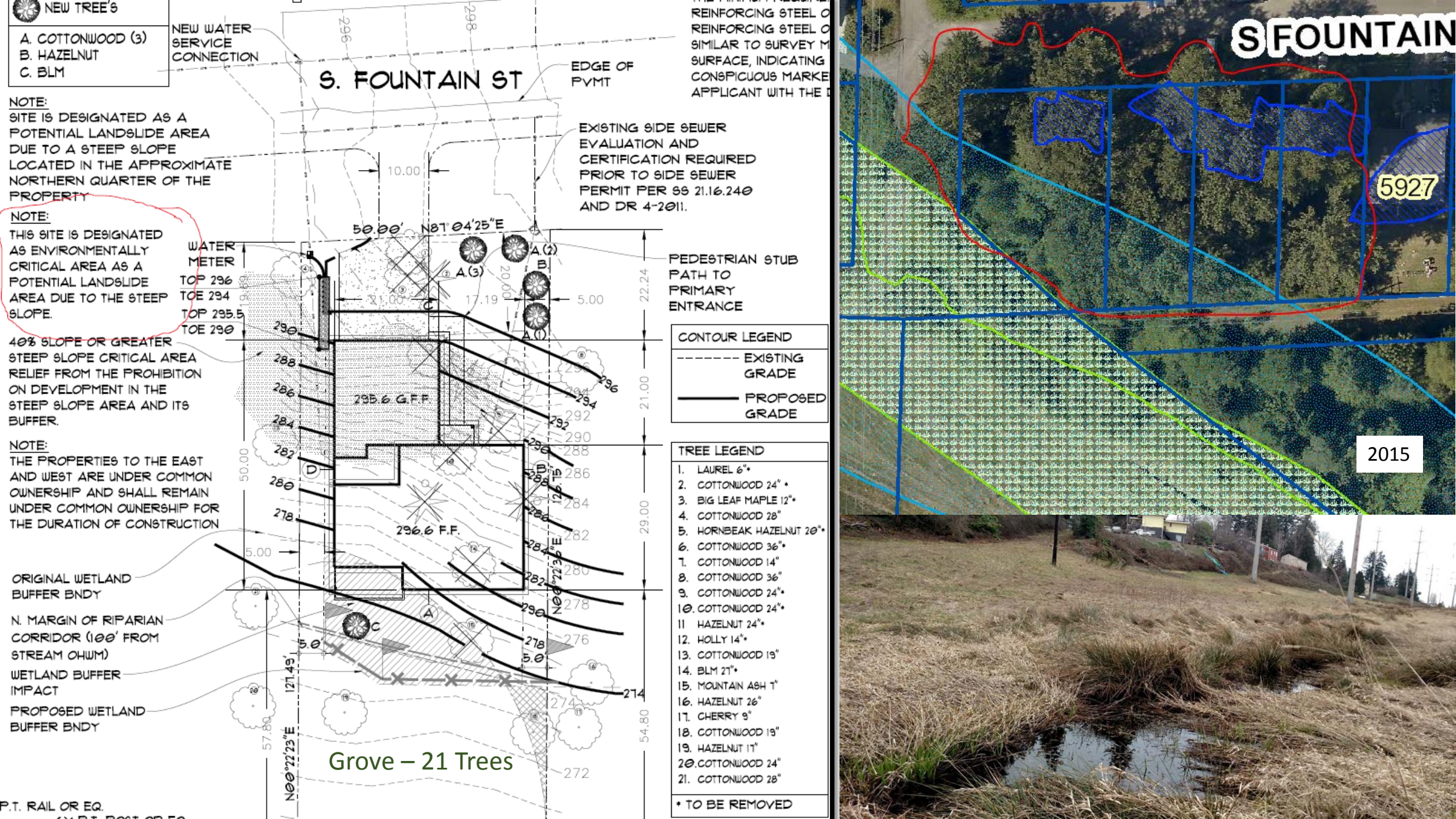
# Phase II Findings

## **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.

Examples on the ground







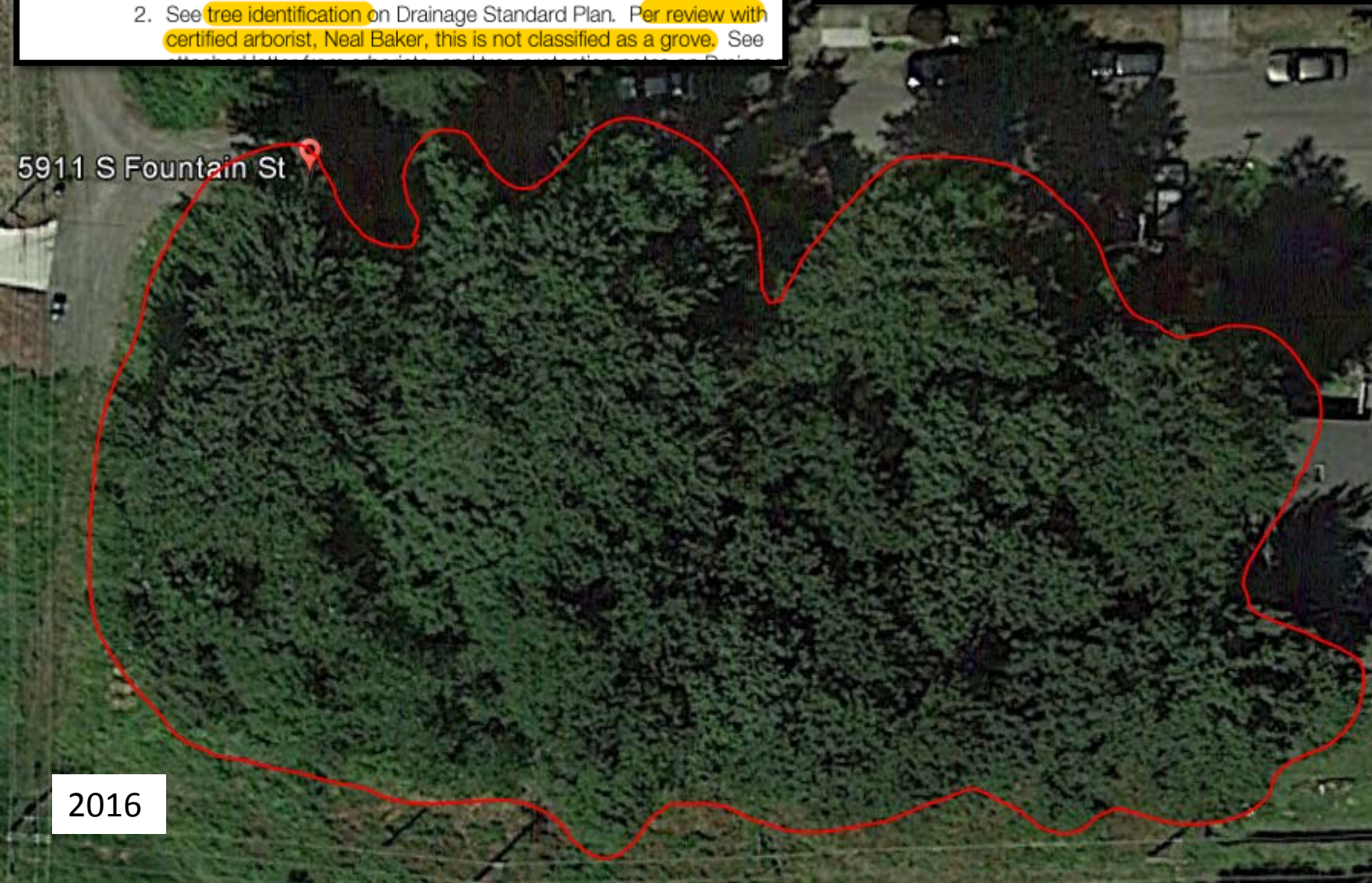
Re: PN 6456952 5907 S Fountain Street

Following are our plan review correction responses:

ZONING CYCLE 3

1. See attached copy of no protest agreement recorded by King County
2. See tree identification on Drainage Standard Plan. Per review with certified arborist, Neal Baker, this is not classified as a grove. See

I was charge with determining if the Cottonwood trees at your Fountain St, project were exceptional. Cottonwoods are deemed exceptional in a grove only and the canopies must be close enough to form a continuous canopy, per city of Seattle guidelines. These trees do not meet this standard and are therefore not exceptional



2016

















# 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

# 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**



# 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. **Add dedicated urban forestry staff to oversee all tree and landscape regulations**
4. **Remove Vine Maple from ECA Revegetation List and GF Tree List to improve size class distribution**

# 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**

**P & D TREE SERVICE**

Hi, We are going to be in your neighborhood removing trees by crane in the near future. This method has very little impact on your yard. There could be little or no cost for removal. This offer is only good while we are in your area with the crane.

Don't wait to receive your **FREE** written estimate.

**CALL NOW - 425-432-7636**

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LICENSED  
BONDED  
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Contractors Lic. COMBICC022RS

**24 Hours**

**Emergency Services**

*Stump grinding available at additional cost.  
~ Quality firewood for sale at separate cost. ~*

20311 SE 240<sup>TH</sup> STREET - MAPLE VALLEY, WA 98038

© 1999 - 2010 Combined Cutting Contractors, Inc., d/b/a P&D Tree Service, all rights reserved.

# 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**

# 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.

# 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)**

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.

# 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

# 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

### 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

# 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

# Tree Regulations Phase II

Questions?



If needed:  
Additional slides to clarify recommendations

55664		4/3/2015	2015	CONST	175725	(1) photo taken of remains of tree. We can't trespass so Seth didn't measure. He stated that if it was exceptional & the owner requested to remove, that it was very likely we would have approved the removal.	NVIOL	
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40437	1027489	5/21/2012	2012	CONST	62579	TREES THAT MAY BE EXCEPTIONAL HAVE BEEN CUT-- OWNER ADVISED TO SUBMIT REPORT FROM ARBORIST ON HEALTH OF TREES BEFORE THEY WERE CUT	VIOL	CLOSE
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32836		8/10/2010	2010	CONST	153508	TWO TREES HAVE BEEN REMOVED--OWNER IS SUBMITTING ARBORIST'S REPORT SAYING THAT THEY ARE HAZARD TREES	NVIOL	
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- Zone: Single Family
- Entire parcel is ECA 2 - Potential Slide.
- Multiple trees removed without inspection.
- No violation or Hazard Correction Order issued.
- Directed to submit hazard tree removal application after the fact.
- Case closed to Administrative Closure.

## Case No. 1039073, 3821 24TH AVE W | Case Closed

### Case Details

Status: CLOSED

### Case Data

Type: CONSTRUCTION (CONSTRUCT)

Case Group: SITE

Processed Date: 12/13/2016 1:54:01 PM

Insp # 0 Case # 1039073 Insp Type COMPLIANCE #

### Comments

Tree removal in Environmentally Critical Area designated as landslide prone area without approval. Submit for revegetation plan for area or submit hazard tree removal for after the fact removal.

Case No

None found.

Resolution Code: ADMINISTRATIVE CLOSURE



## Hazard Trees to clear site

				TO FOLLOW						
<a href="#">View</a>	6219734		3914 14TH AVE S	POST SUB	Renew AP #6219734	Submittal Closed	FIELD		06/24/2009	PULSIFER, LUKE
<a href="#">View</a>	6242877	→	4014 14TH AVE S	SITE WORK	Hazard tree removal application to remove one corkscrew willow (Salix baylonica)	AP Closed	FIELD		03/10/2010	LEDOUX, JULIE
<a href="#">View</a>	6243090	✓	3918 14TH AVE S	SITE WORK	Hazard tree removal of 1 White Poplar tree #3918-1.	AP Closed	FIELD		03/15/2010	LEDOUX, JULIE
<a href="#">View</a>	6243091	Δ	3924 14TH AVE S	SITE WORK	Hazard tree removal of 1 White Poplar #3924-1.	AP Closed	FIELD		03/15/2010	LEDOUX, JULIE
<a href="#">View</a>	6243092	○	4002 14TH AVE S	SITE WORK	Hazaerd tree removal of 4 White Poplars.	AP Closed	FIELD		03/15/2010	LEDOUX, JULIE
<a href="#">View</a>	6243093	—	3930 14TH AVE S	SITE WORK	Hazard tree removal of 3 White Poplars.	AP Closed	FIELD		03/15/2010	LEDOUX, JULIE
<a href="#">View</a>	6243094	+	4008 14TH AVE S	SITE WORK	Hazaerd tree removal of 3 White Poplars.	AP Closed	FIELD		03/15/2010	LEDOUX, JULIE
<a href="#">View</a>	6247759	+	4010 14TH AVE S	CONSTRUCTN	Establish use as townhouse and construct (1) 3-unit townhouse per plans. PR 1/25/2012 project # 6306483 Revision to alter parking area paving for, Establish use as townhouse and construct (1) 3-unit t	Permit Closed	FULL +	NEW	05/03/2010	LEDOUX, JULIE
<a href="#">View</a>	6247760	→	4012 14TH AVE S	CONSTRUCTN	Establish use as townhouse and construct (1) 3-unit townhouse per plans. PR 1/25/12 project # 6306484 Revision to alter parking area paving at townhouse per plans.	Permit Closed	FULL +	NEW	05/03/2010	LEDOUX, JULIE
<a href="#">View</a>	6251133	✓	3922 14TH AVE S	CONSTRUCTN	Establish and construct 3-unit townhouse, per plan.	Permit Closed	FULL +	NEW	06/07/2010	LEDOUX, JULIE
<a href="#">View</a>	6251140	—	3936 14TH AVE S	CONSTRUCTN	Establish and construct new triplex with surface parking East of the existing duplex, per plan.	Permit Closed	FULL +	NEW	06/07/2010	LEDOUX, JULIE
<a href="#">View</a>	6251141	Δ	3928 14TH AVE S	CONSTRUCTN	Establish use and construct a new triplex with surface parking East of the existing duplex, per plan.	Permit Closed	FULL +	NEW	06/07/2010	LEDOUX, JULIE

○ filed under A, B, C

Tree Cutting closed to Violation or No Violation. Trend 2008 - 2015

2008	27%
2009	37%
2010	52%
2011	54%
2012	55%
2013	57%
2014	64%
2015	75%

