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.)

COS0033565

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

COS0033566

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

COS0033567

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.

COS0033568

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.

COS0033569

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.

COS0033570



COS0033571

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

COS0033572

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)

COS0033573

Phase II Findings

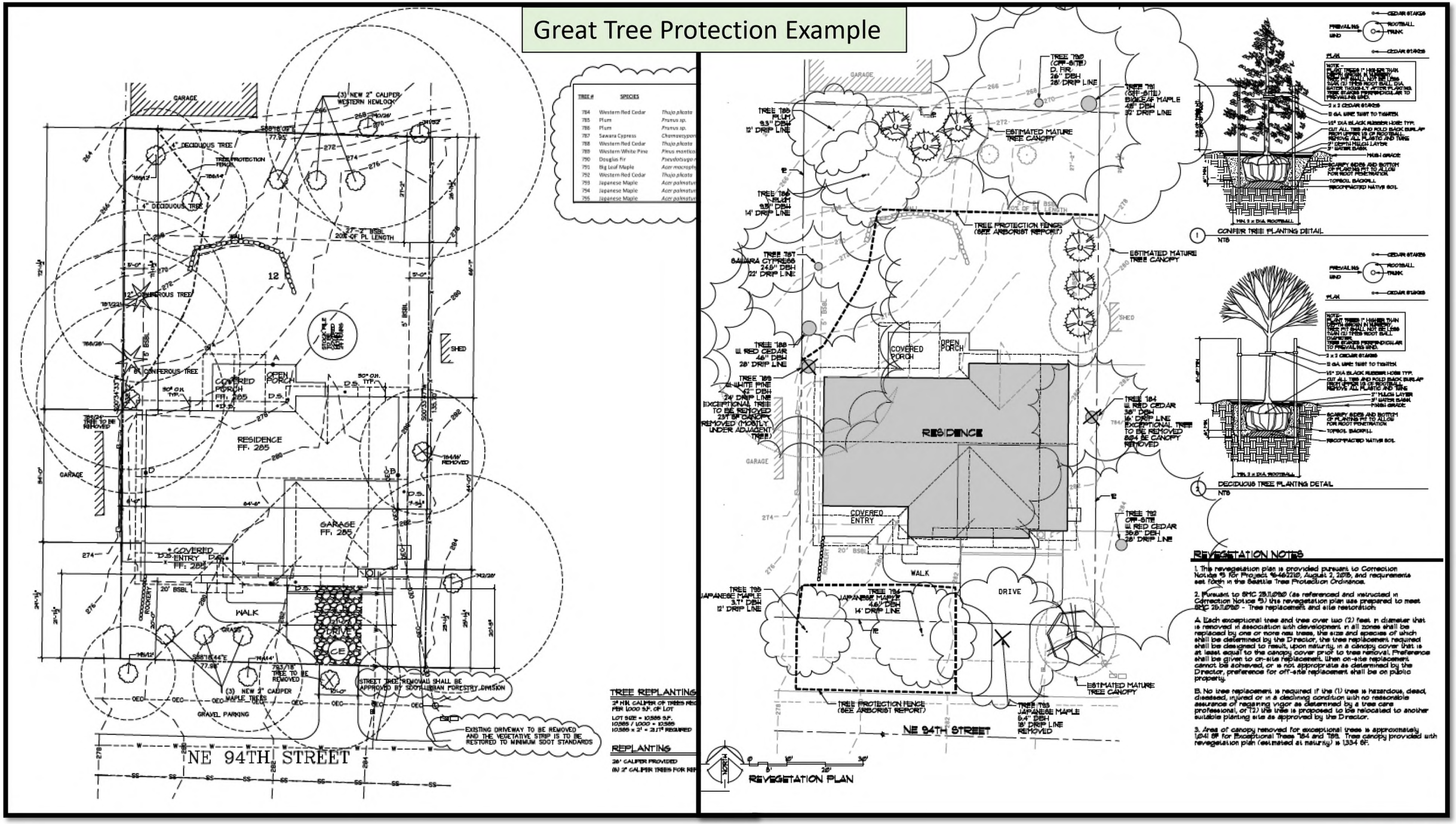
Type I and II permits

- Design Review and code-required tree protection are being avoided.
  - 0.3% Design Review projects cited Tree Protection

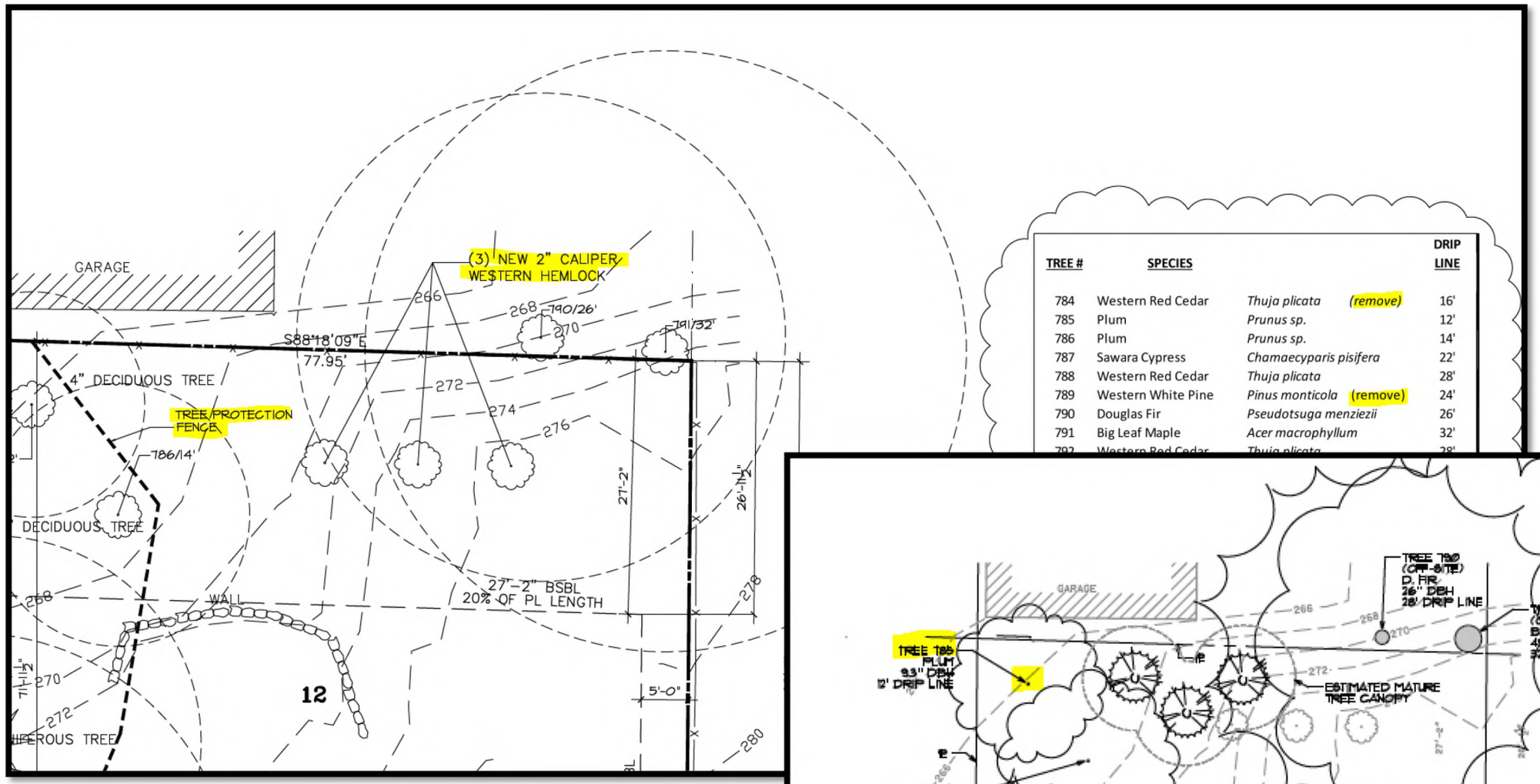
- **Landscaping standards inconsistently inspected/enforced.**
  - **Infrequent use of final inspection form - DR 30-2015, Attachment A.**

COS0033574

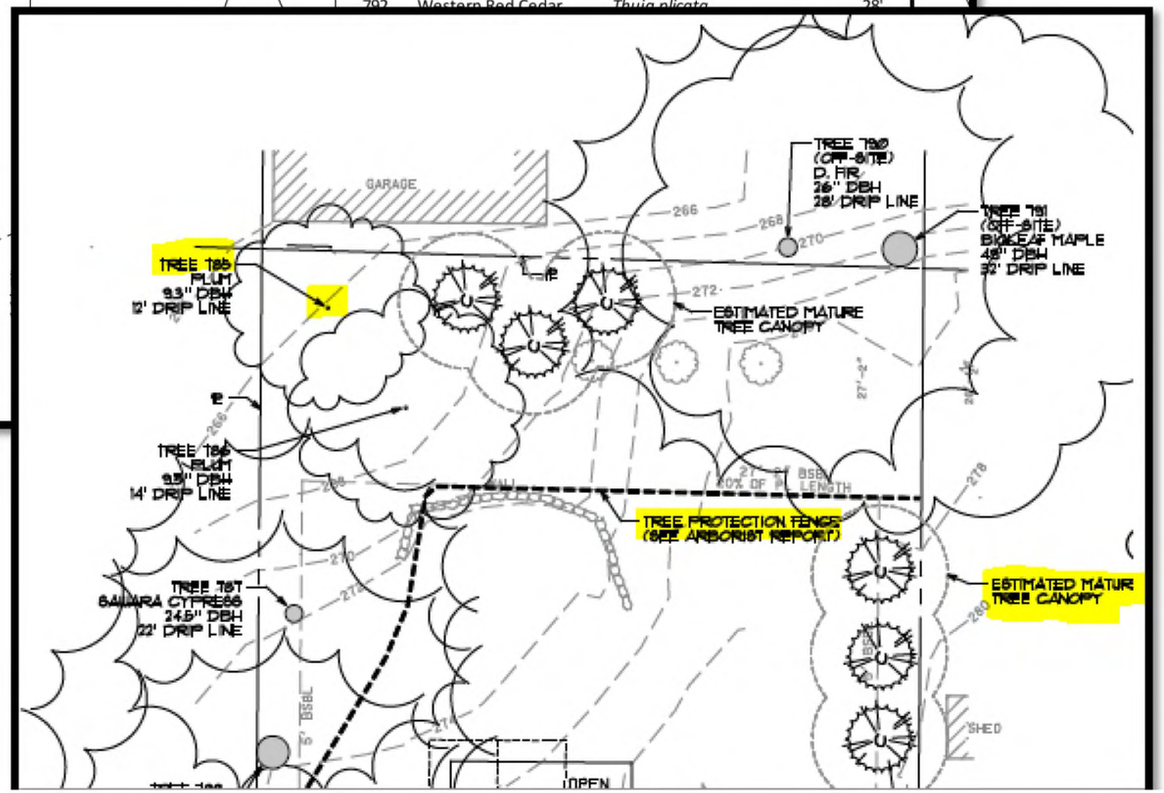
Great Tree Protection Example



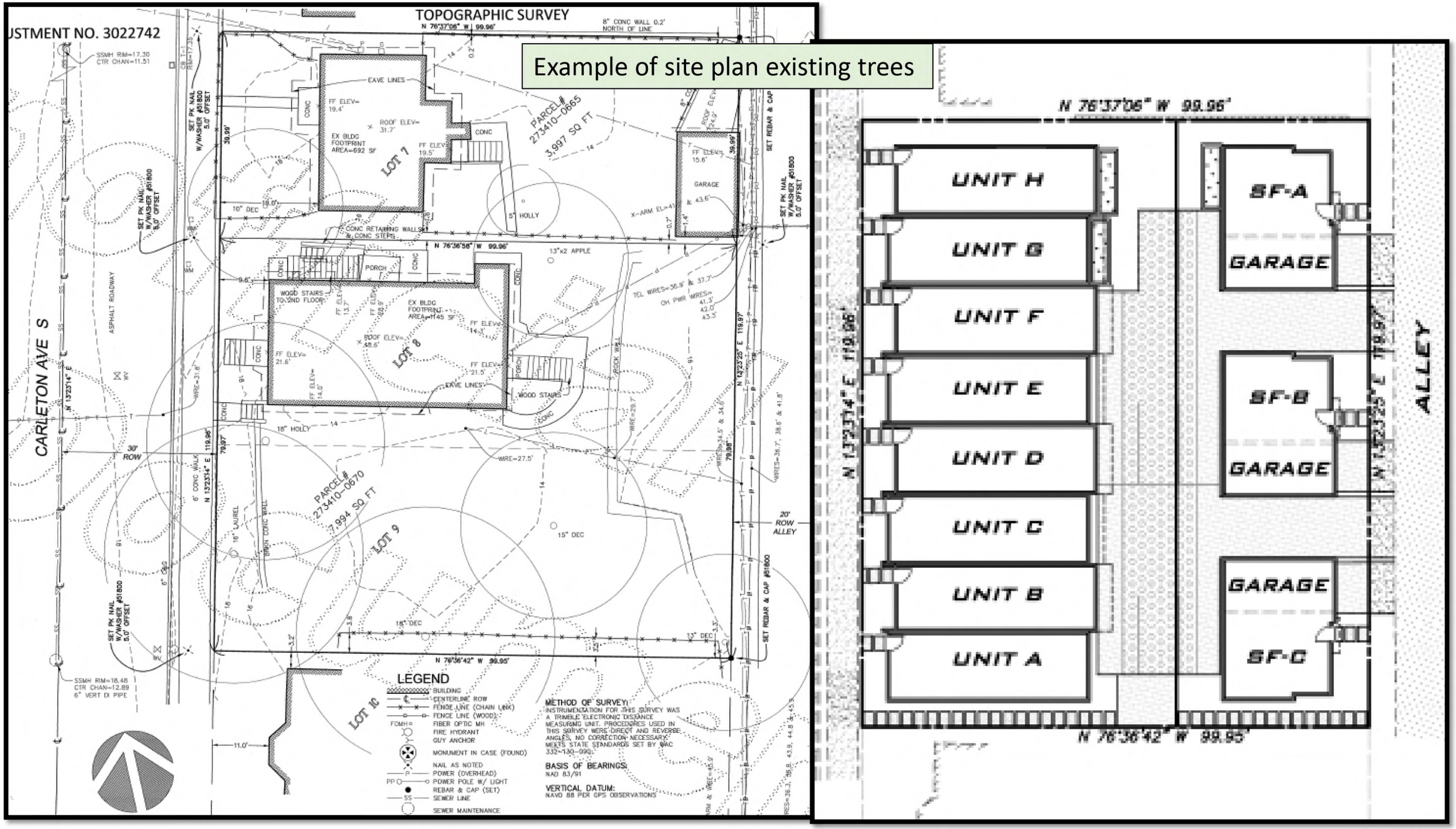
COS0033575



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

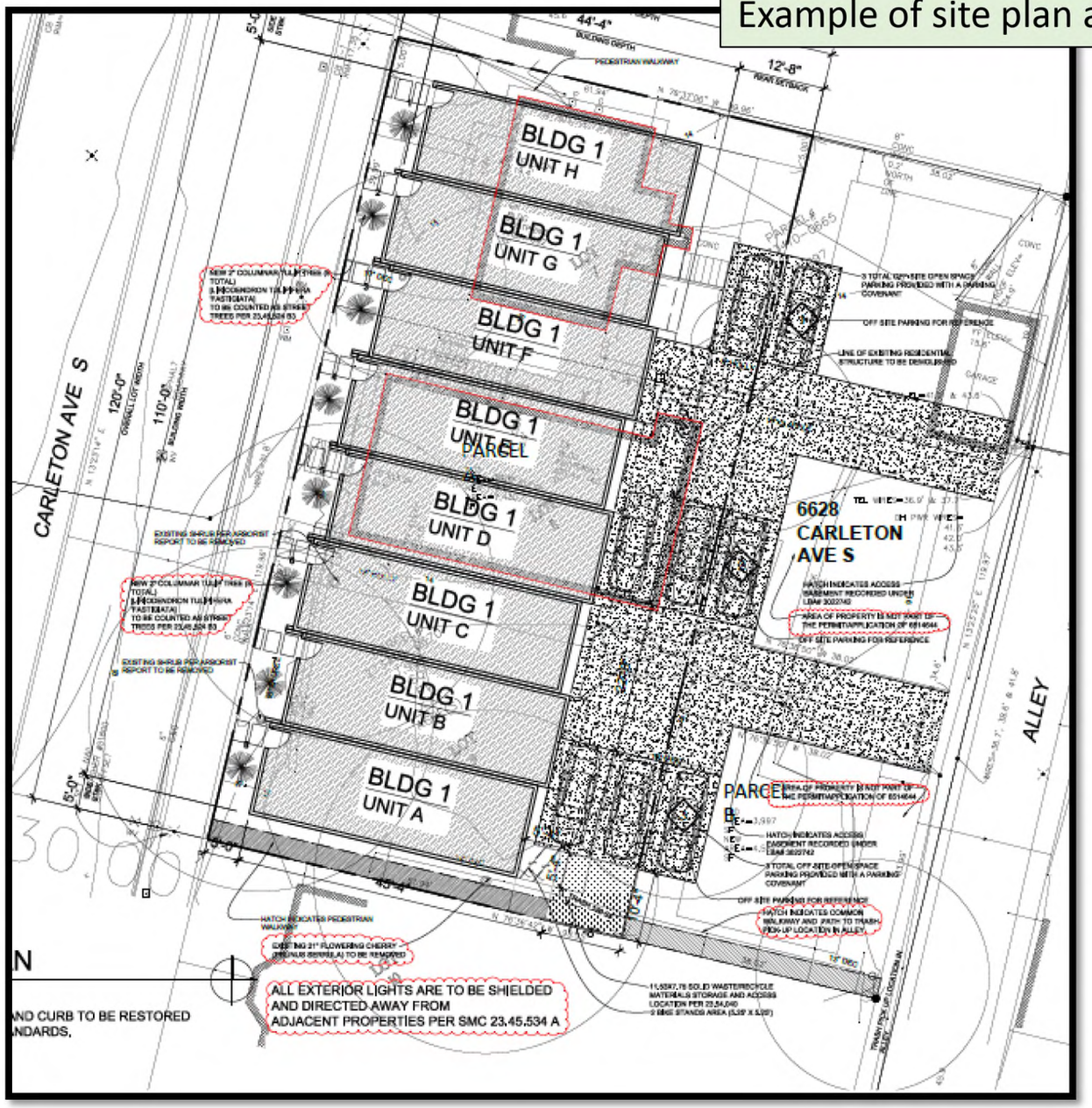


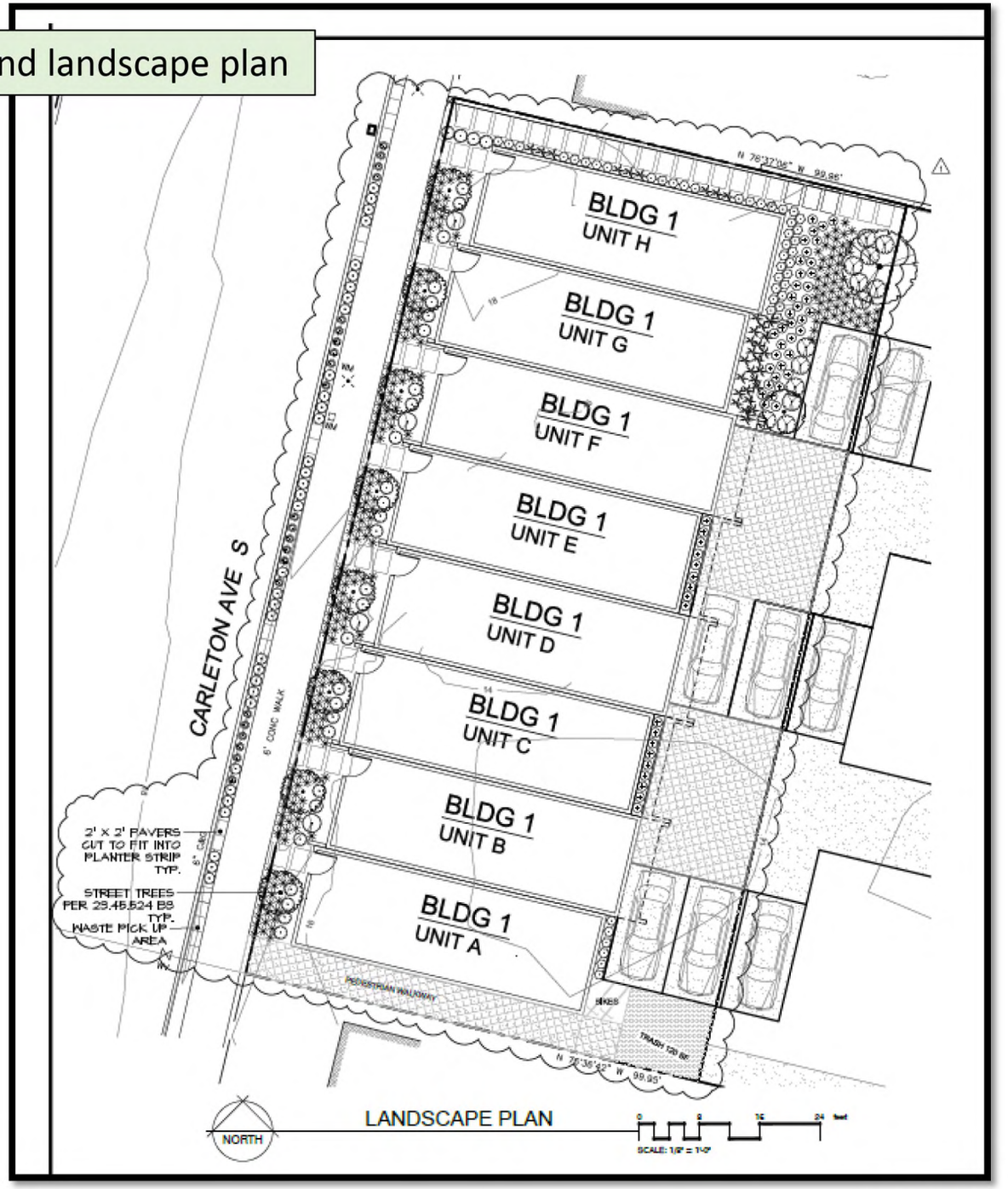
Plan set with accurate tree protection and revegetation plans with mature canopy. (Zoom of previous page.)


Example of site plan existing trees
TOPOGRAPHIC SURVEY
JSTMENT NO. 3022742
CARLETON AVE S
ASPHALT ROADWAY
30' ROW
LOT 7
LOT 8
LOT 9
LOT 10
PARCEL # 273410-0665
3,997 SQ FT
PARCEL # 273410-0670
7,994 SQ FT
EX BLDG FOOTPRINT AREA=692 SF
EX BLDG FOOTPRINT AREA=1145 SF
GARAGE
PORCH
WOOD STAIRS TO 2ND FLOOR
WOOD STAIRS
EAVE LINES
CONC RETAINING WALLS & CONC STEPS
6' CONC WALK
BRICK CONC WALL
N 76°37'06" W 99.96'
N 76°36'58" W 99.96'
N 76°36'42" W 99.95'
N 13°23'14" E 119.96'
N 14°23'25" E 119.97'
20' ROW ALLEY
ALLEY
SET PK NAIL W/WASHER #51800 5.0' OFFSET
SET REBAR & CAP #51800
SSMH RIM=17.30 CTR CHAN=11.51
SSMH RIM=18.48 CTR CHAN=12.89 6" VERT DI PIPE
LEGEND
BUILDING
CENTERLINE ROW
FENCE LINE (CHAIN LINK)
FENCE LINE (WOOD)
FIBER OPTIC MH
FIRE HYDRANT
GUY ANCHOR
MONUMENT IN CASE (FOUND)
NAIL AS NOTED
POWER (OVERHEAD)
POWER POLE W/ LIGHT
REBAR & CAP (SET)
SEWER LINE
SEWER MAINTENANCE
METHOD OF SURVEY:
INSTRUMENTATION FOR THIS SURVEY WAS A TRIMBLE ELECTRONIC DISTANCE MEASURING UNIT. PROCEDURES USED IN THIS SURVEY WERE DIRECT AND REVERSE ANGLES. NO CORRECTION NECESSARY. MEETS STATE STANDARDS SET BY WAC 332-130-090.
BASIS OF BEARINGS:
NAD 83/91
VERTICAL DATUM:
NAVD 88 PER GPS OBSERVATIONS
UNIT H
UNIT G
UNIT F
UNIT E
UNIT D
UNIT C
UNIT B
UNIT A
SF-A
GARAGE
SF-B
GARAGE
GARAGE
SF-C

COS0033577

Example of site plan and landscape plan





COS0033578

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.

COS0033579

Examples on the ground

NEW TREE'S

A. COTTONWOOD (3)
B. HAZELNUT
C. BLM

NEW WATER SERVICE CONNECTION

S. FOUNTAIN ST

EDGE OF PVMT

REINFORCING STEEL O
REINFORCING STEEL O
SIMILAR TO SURVEY M
SURFACE, INDICATING
CONSPICUOUS MARKE
APPLICANT WITH THE D

NOTE:
SITE IS DESIGNATED AS A POTENTIAL LANDSLIDE AREA DUE TO A STEEP SLOPE LOCATED IN THE APPROXIMATE NORTHERN QUARTER OF THE PROPERTY

NOTE:
THIS SITE IS DESIGNATED AS ENVIRONMENTALLY CRITICAL AREA AS A POTENTIAL LANDSLIDE AREA DUE TO THE STEEP SLOPE.

40% SLOPE OR GREATER STEEP SLOPE CRITICAL AREA RELIEF FROM THE PROHIBITION ON DEVELOPMENT IN THE STEEP SLOPE AREA AND ITS BUFFER.

NOTE:
THE PROPERTIES TO THE EAST AND WEST ARE UNDER COMMON OWNERSHIP AND SHALL REMAIN UNDER COMMON OWNERSHIP FOR THE DURATION OF CONSTRUCTION

EXISTING SIDE SEWER EVALUATION AND CERTIFICATION REQUIRED PRIOR TO SIDE SEWER PERMIT PER SS 21.16.240 AND DR 4-2011.

PEDESTRIAN STUB PATH TO PRIMARY ENTRANCE

WATER METER
TOP 296
TOE 294
TOP 295.5
TOE 290

50.00' N87°04'25"E

10.00

20.00

17.19

5.00

22.24

21.00

29.00

50.00

5.00

295.6 G.F.F.

296.6 F.F.

N00°22'23"E 126.15'

N00°22'23"E 121.49'

57.80

54.80

5.0'

5.0'

ORIGINAL WETLAND BUFFER BNDY

N. MARGIN OF RIPARIAN CORRIDOR (100' FROM STREAM OHWM)

WETLAND BUFFER IMPACT

PROPOSED WETLAND BUFFER BNDY

Grove – 21 Trees

P.T. RAIL OR EQ.

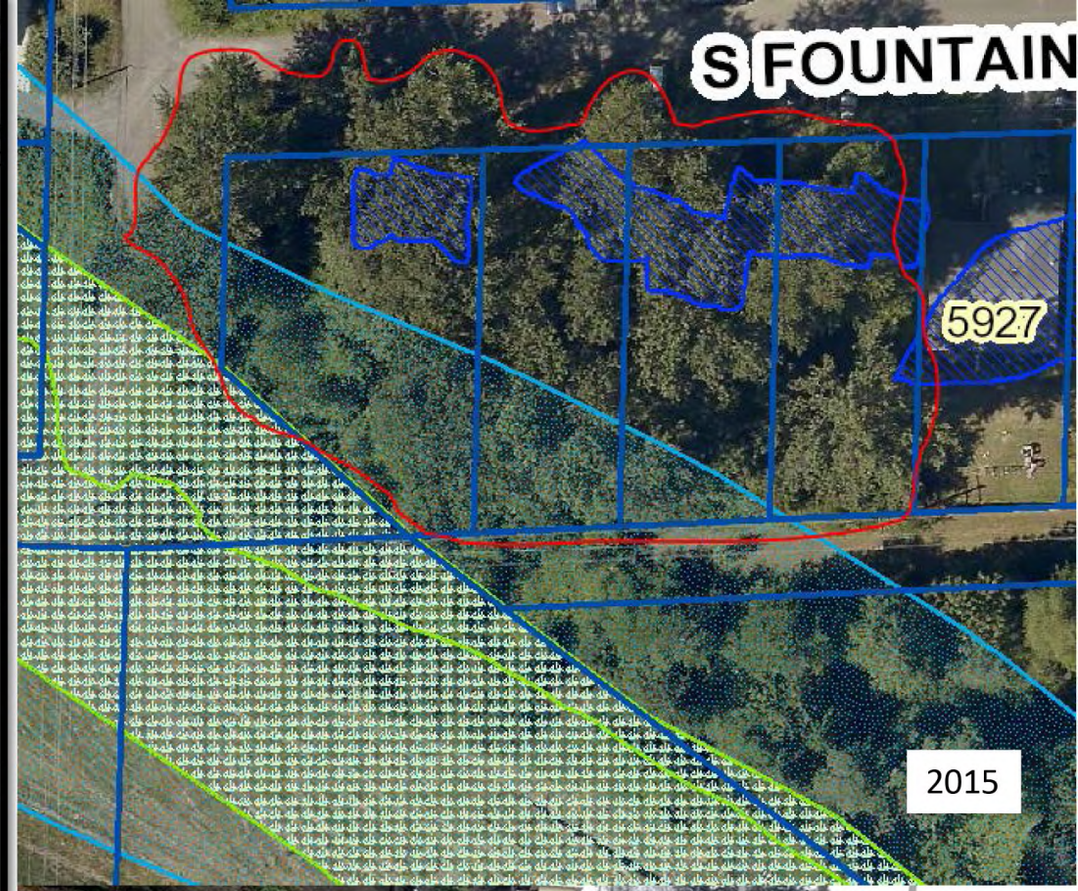
CONTOUR LEGEND

- EXISTING GRADE
- PROPOSED GRADE

TREE LEGEND

1. LAUREL 6"*
2. COTTONWOOD 24"*
3. BIG LEAF MAPLE 12"*
4. COTTONWOOD 28"
5. HORNBEAK HAZELNUT 20"*
6. COTTONWOOD 36"*
7. COTTONWOOD 14"
8. COTTONWOOD 36"
9. COTTONWOOD 24"*
10. COTTONWOOD 24"*
11. HAZELNUT 24"*
12. HOLLY 14"*
13. COTTONWOOD 19"
14. BLM 21"*
15. MOUNTAIN ASH 7"
16. HAZELNUT 26"
17. CHERRY 9"
18. COTTONWOOD 19"
19. HAZELNUT 17"
20. COTTONWOOD 24"
21. COTTONWOOD 28"

* TO BE REMOVED





COS0033581

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 Coun
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







COS0033583


2013


2015
3818 23rd Ave W





COS0033585



COS0033586

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

COS0033587

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**

COS0033589

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**

COS0033590

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



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**

COS0033592

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.

COS0033593

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)**

COS0033594

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.

COS0033596

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

COS0033597

Permit + protect additional trees

All of Option 1 <u>and</u>:

- 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

COS0033598

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.

COS0033600

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

COS0033601

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

COS0033602

Tree Regulations Phase II

Questions?

COS0033603

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	

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

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



- 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					
View	6219734	3914 14TH AVE S	POST SUB	Renew AP #6219734	Submittal Closed	FIELD		06/24/2009	PULSIFER, LUKE
View	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
View	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
View	6243091	3924 14TH AVE S	SITE WORK	Hazard tree removal of 1 White Poplar #3924-1.	AP Closed	FIELD		03/15/2010	LEDOUX, JULIE
View	6243092	4002 14TH AVE S	SITE WORK	Hazaerd tree removal of 4 White Poplars.	AP Closed	FIELD		03/15/2010	LEDOUX, JULIE
View	6243093	3930 14TH AVE S	SITE WORK	Hazard tree removal of 3 White Poplars.	AP Closed	FIELD		03/15/2010	LEDOUX, JULIE
View	6243094	4008 14TH AVE S	SITE WORK	Hazaerd tree removal of 3 White Poplars.	AP Closed	FIELD		03/15/2010	LEDOUX, JULIE
View	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
View	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
View	6251133	3922 14TH AVE S	CONSTRUCTN	Establish and construct 3-unit townhouse, per plan.	Permit Closed	FULL +	NEW	06/07/2010	LEDOUX, JULIE
View	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
View	6251141	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

D 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%

