

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact:	CBO Contact:
LEG	Yolanda Ho / (206) 388-8126	N/A

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to tree protections; adding new provisions related to trees that are part of an archaeological site; and amending Sections 25.11.060 and 25.11.130 of the Seattle Municipal Code.

Summary and Background of the Legislation: In May 2023, the Council passed Ordinance 126821 that updated the City’s regulations for trees location on private property (Seattle Municipal Code Chapter 25.11). These regulations went into effect on July 30, 2023. This proposed legislation would add new provisions regarding trees on archaeological sites. These modifications are intended to ensure that the City is following State requirements related to trees on archaeological sites for lots undergoing development in Neighborhood Residential zones.

Specifically, the legislation would:

- Define a “culturally modified tree” as “a tree that has been determined by the Washington State Department of Archaeology and Historic Preservation to be an archaeological site or part of an archaeological site subject to requirements of chapter 27.53 RCW.”
- Require that SDCI (1) notify DAHP when an applicant is seeking to remove a Tier 2 or Tier 3 tree from a lot for development in Neighborhood Residential zones; and (2) receive confirmation from DAHP whether the tree is an archaeological site or part of an archaeological site.
 - If DAHP confirms the tree is not part of an archaeological site, SDCI may approve removal of the tree.
 - If DAHP confirms the tree is part of an archaeological site and the applicant want to proceed with removing the tree, the applicant is responsible for obtaining permission from DAHP to remove the tree before SDCI may approve removal of the tree.

The proposed changes related to culturally modified trees are procedural requirements categorically exempt from State Environmental Policy Act (SEPA) review. Thus, no additional environmental review is needed for this proposal.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ☐ Yes ☒ No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget?

☐ Yes ☒ No

Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

Adding a requirement that SDCI first confirm with DAHP prior to approving removal of any Tier 2 or Tier 3 trees on lots undergoing development in Neighborhood Residential zones will likely increase staff workload and permit processing times. SDCI may need additional positions to support implementation of this requirement. These positions could potentially be funded by permit fee revenues, and thus would not impact the General Fund.

Are there financial costs or other impacts of *not* implementing the legislation?

No.

4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

SDCI would be responsible for administering the proposed changes. This could also potentially increase the workload at DAHP, which would need to confirm whether any Tier 2 or Tier 3 tree is part of an archaeological site before SDCI could approve its removal.

b. Is a public hearing required for this legislation?

No.

c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

No.

d. Does this legislation affect a piece of property?

No.

e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?

Seattle's Environmental Justice (EJ) priority areas generally have lower tree canopy cover than the citywide average. The 2021 City of Seattle Tree Canopy Assessment found that areas of the city with lower tree canopy cover experience higher ambient temperatures during the summer than those with high canopy cover. The proposed legislation could result in retention of more culturally modified trees on lots undergoing development, which would help to maintain tree canopy cover in EJ priority areas. Additionally, the procedural requirements would help ensure that Tribal rights are respected in regard to such trees.

f. Climate Change Implications

1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?

No.

2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.

The proposal could increase the retention of culturally modified trees on lots undergoing development. In addition to other environmental benefits, large trees provide shade and thus mitigate the impacts of hotter summer temperatures, which are anticipated to increase due to climate change.

g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)?

Not applicable.

Summary Attachments (if any):

None.