



# Tree Protection Legislation

Photo by John Skelton



Seattle Department of  
Construction & Inspections

Land Use Committee  
March 22, 2023

# TODAY'S PRESENTATION

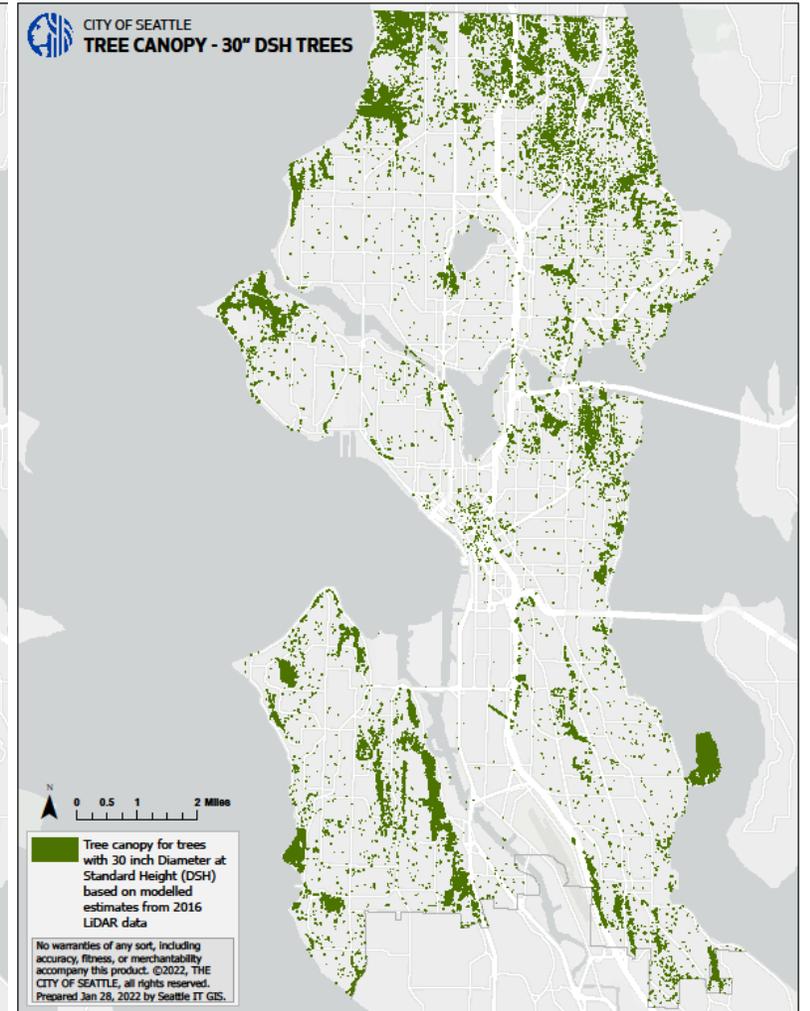
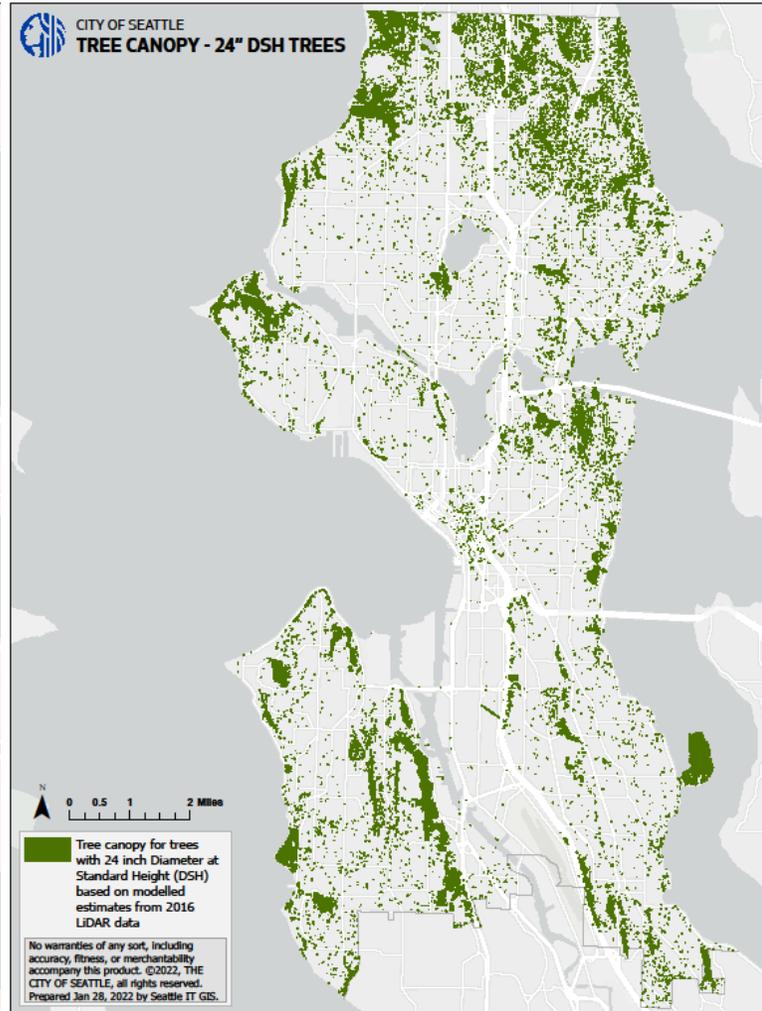
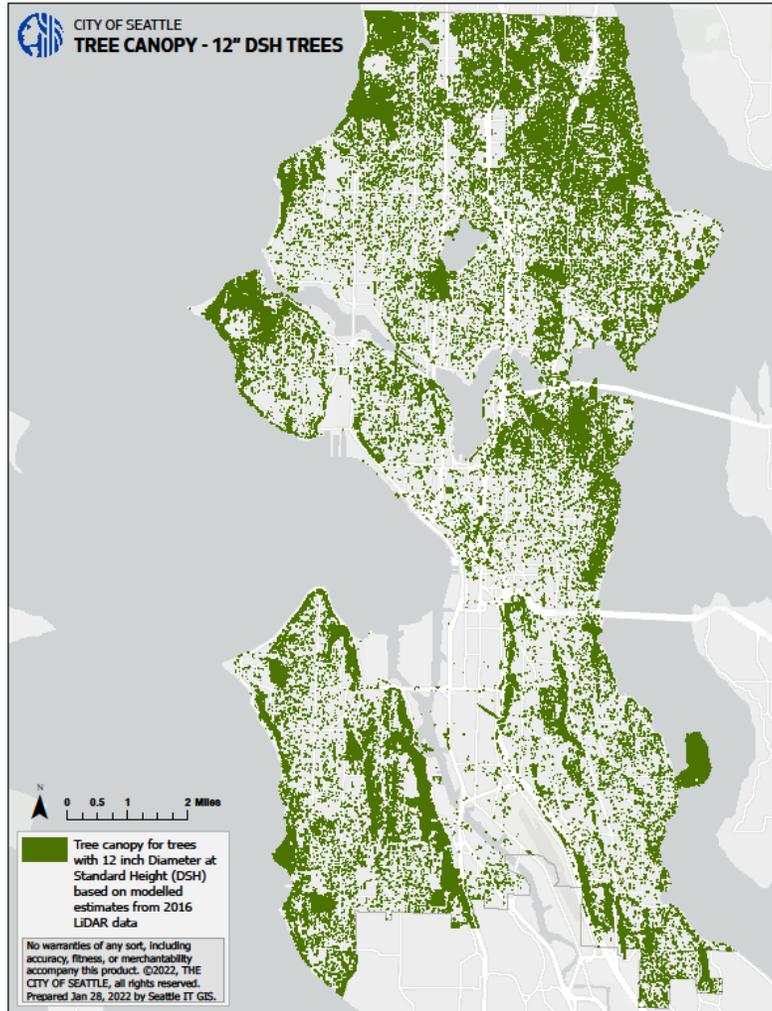
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- Background/History
- Resolution 31902
- Summary - Director's Recommendations



# PROPOSAL: MORE TREES REGULATED AT THRESHOLD 12" DIAMETER

## Tree Canopy Comparisons: 12", 24", 30" DSH



# PUBLIC OUTREACH

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## Early commitment to:

- Prioritize and center needs of historically underrepresented communities especially low-income and low-canopy neighborhoods



## Outreach included:

- Homeowners, renters, builders, realtors, neighborhood groups, environmental organizations, climate and environmental justice organizations



# PARTNERSHIPS

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Consultation/collaboration helped SDCI shape recommendations:

- Urban Forestry Commission (UFC)
- SDCI arborists and other subject matter experts
- Office of Sustainability and the Environment (OSE)
- City Budget Office (CBO)
- Seattle Parks and Recreation (SPR)
- Seattle Department of Transportation (SDOT); and
- Others including University of Washington



# ENVIRONMENTAL (SEPA) DRAFT

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Draft legislation made available for public review/comment:

- **Q1 2022** - Draft legislation available, included two Draft Director's Rules and Determination of Non-Significance
- **Q2 2022** - SEPA appeal at Hearing Examiner
- **Q3 2022** - SEPA Determination upheld by Hearing Examiner



# RESOLUTION 31902

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## Council requested strategies:

- Expand exceptional tree definition
- Adopt significant tree definition
- Add replacement requirements
- Review tree removal limits
- Explore a payment in-lieu option
- Track tree removal and replacement



# RESOLUTION 31902 - cont'd

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SDCI explored a new permit for tree removal by homeowners when no development is proposed – addressed by recently adopted tree service provider registration bill:

- Notice to neighbors
- Tree service providers accountable for following code
- Improved tree activity tracking by SDCI

# SUMMARY OF KEY UPDATES

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- Use tree tier nomenclature (Tiers 1 - 4)
- Adjust tree removal limits
- Strengthen heritage tree protections
- Require street trees for new residential construction



# SUMMARY OF KEY UPDATES - cont'd

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- Use hardscape coverage standard in place of floor area ratio
- Clarify tree protection areas and allowed activities
- Add payment in-lieu option
- Require hazardous tree replacement (over 12")
- Increase penalties for illegal tree removal activities
- Clarify requirements for Major Institutions
- Update tree covenants



# TREE TIERS NOMENCLATURE

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## EXISTING CATEGORIES

- **Heritage Trees** regulated same as an exceptional tree
- **Exceptional Trees** 30" or greater and specific tree species in Director's Rule
- **Tree Groves** a group of 8 or more trees 12" in diameter or greater that form a continuous canopy

## PROPOSED CHANGES

- **Tier 1 Trees** all Heritage Trees, can't remove unless hazardous
- **Tier 2 Trees** 24" or greater, tree groves and specific tree species in Director's Rule
- **Tier 3 Trees** 12" up to less than 24"
- **Tier 4 Trees** 6" up to less than 12"

# TREE REMOVAL LIMITS – NO DEVELOPMENT

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## EXISTING REGULATIONS

- **Heritage trees** protected in a similar manner to exceptional trees; no special protections
- Up to three **nonexceptional trees** may be removed per year (in all zones)

## PROPOSED CHANGES

- **Heritage trees (Tier 1)** highest level protection
- **Tiers 1 – 2 trees** may not be removed unless hazardous or emergency situations
- **Up to two Tier 4 trees** may be removed in any 36-month period (NR, LR, MR, C , and SM zones)
- **Up to three Tier 3 and Tier 4 trees** may be removed in any 12-month period in other zones (mainly downtown and industrial)

# TREE REPLACEMENT – WITH DEVELOPMENT

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## EXISTING REGULATIONS

- One to one replacement for exceptional trees **(Tier 2)**
- No replacement requirements for nonexceptional trees **(Tier 1 or Tier 3 trees)**
- No replacement requirements for **hazardous tree** removal

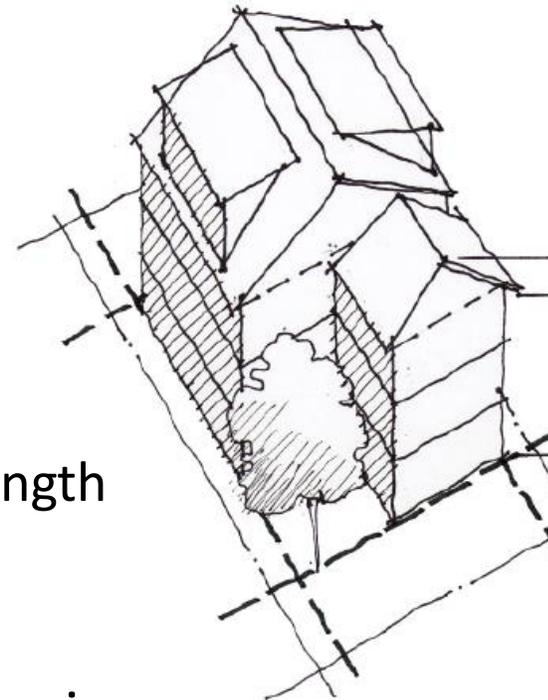
## PROPOSED CHANGES

- **Tier 1-3 trees including all hazardous trees** removed must be replaced by one or more new trees
- **Replacement trees** the size and species determined by City arborists
- **Tree replacement required** must result upon maturity, in a canopy cover that is roughly proportional to canopy cover prior to tree removal (all zones)
- **100 percent survival required (5 years)**

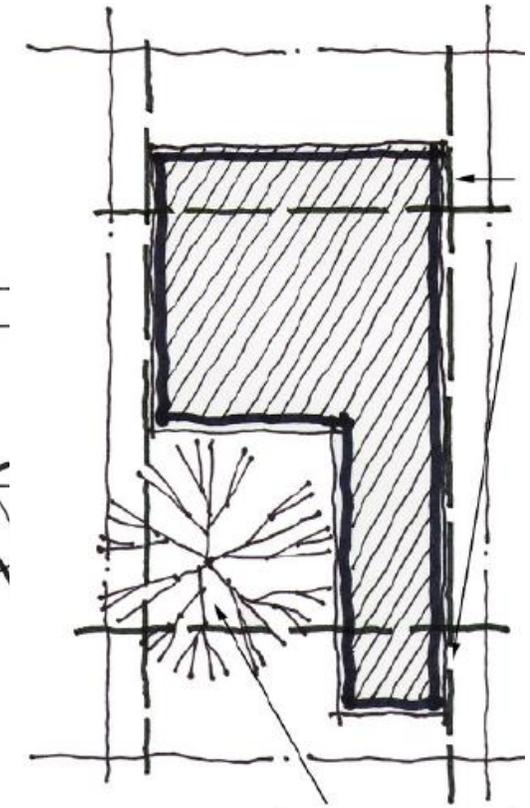
# TREE PROTECTION - FLEXIBILITY AND INCENTIVES

## CLARIFIES/MAINTAINS INCENTIVES

- Administrative SDCI review:
  - Setbacks can be modified by 50%
  - Amenity areas reduced by 10%
  - Landscaping and screening by 25%
  - Structure width, depth and façade length increased by 10%
- Design review departures allowed, including reduced parking and increase in height from 40 ft to 50 ft (LR zones)



## RESULT



tree protection area

# HOUSING NEEDS AND TREE PROTECTIONS

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## Zoned Development Capacity

### EXISTING REGULATIONS

- **Neighborhood Residential zones**  
lot coverage
- **Multifamily and commercial zones**  
floor area ratio

### PROPOSED CHANGES

- **Neighborhood Residential zones**  
maintained
- **Multifamily and commercial zones**  
replace floor area ratio with hardscape coverage standard

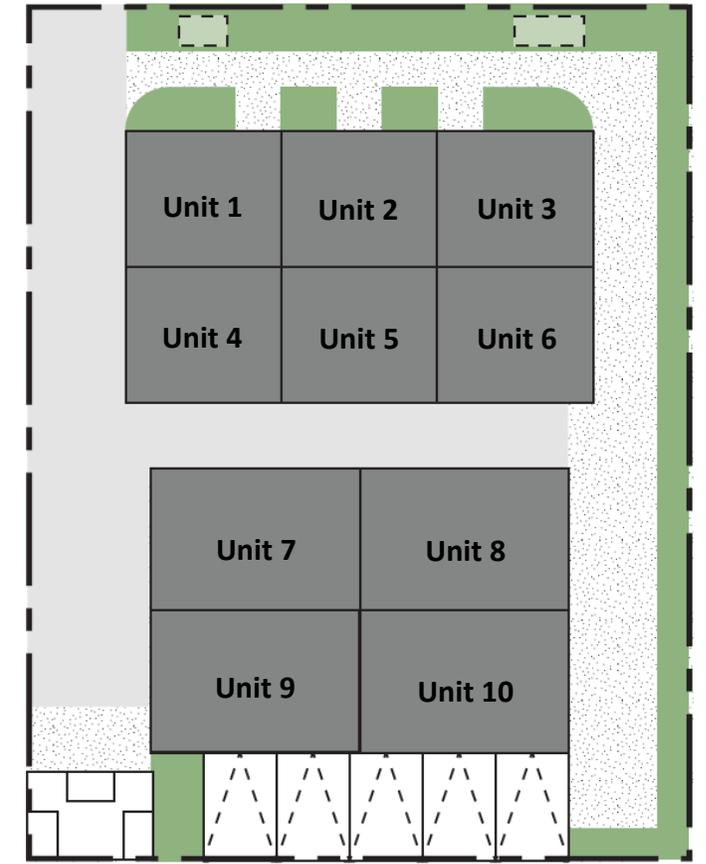
# Zoned Development Capacity

## Townhouses

### Development features – existing and proposed codes:

- FAR 1.4 allowed/ 1.39 built
- No parking required but provided 5 stalls from alley
- 9 bicycle parking required plus 2 short term stalls
- Solid waste/recyclables min 150 SF and 15' wide
- Walkways, driveway
- Hardscape 5,456 SF or 85%
- Impervious 944 SF

ZONING: Multifamily Lowrise (LR3)    LOT AREA: 6,400 SF



\*Not to scale

# PAYMENT IN-LIEU OPTION

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## PROPOSAL DETAILS:

- City Urban Forestry Core Team endorses planting on public property and care of trees as best way to help ensure long-term tree survival
- Payments based on ANSI 300 tree valuation formula and City costs
- Covers cost of replacement trees and establishment
- Offered as a voluntary option to permit applicants vs replanting per State Law
- SDCI anticipates most permit applicants will opt to replant

# PAYMENT IN-LIEU OPTION

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TREE CATEGORY	REQUIRED MITIGATION	AMOUNT
<b>TIER 1</b> (cannot be removed)	Cost per square inch of trunk for each tree removed	\$17.87/sq in
<b>TIER 2</b> (24" or greater, tree groves and specific tree species in Director's Rule)	Cost per square inch of trunk for each tree removed	\$17.87/sq in
<b>TIER 3</b> (12" up to less than 24")	Cost per tree removed	\$2,833

# PAYMENT IN-LIEU OPTION

## ANTICIPATED ANNUAL REVENUE (2024 shown)

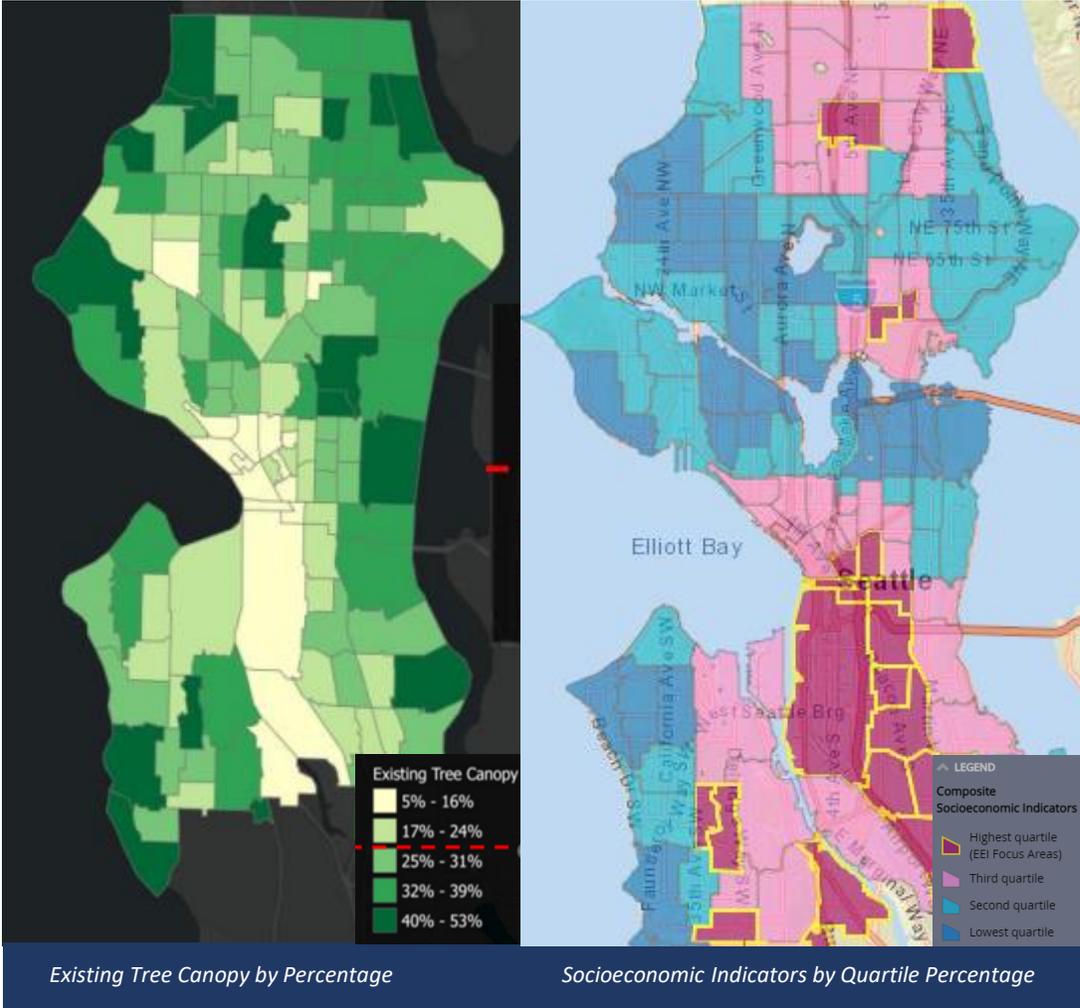
DEPT	NUMBER OF TREES	REVENUE
SDOT	406	\$132,000
SPR	77	\$59,000
<b>TOTAL</b>	<b>483</b>	<b>\$191,000</b>



# LOW OPPORTUNITY/CANOPY COMMUNITIES

## Equity In City Tree Planting

- Focus tree planting in vulnerable communities with lowest canopy
- Feedback from public outreach clearly indicated these communities value trees
- BIPOC and low-income communities have highest rates of asthma, reduced air quality compared to wealthier more treed neighborhoods



Existing Tree Canopy by Percentage

Socioeconomic Indicators by Quartile Percentage

# ADDITIONAL UPDATES

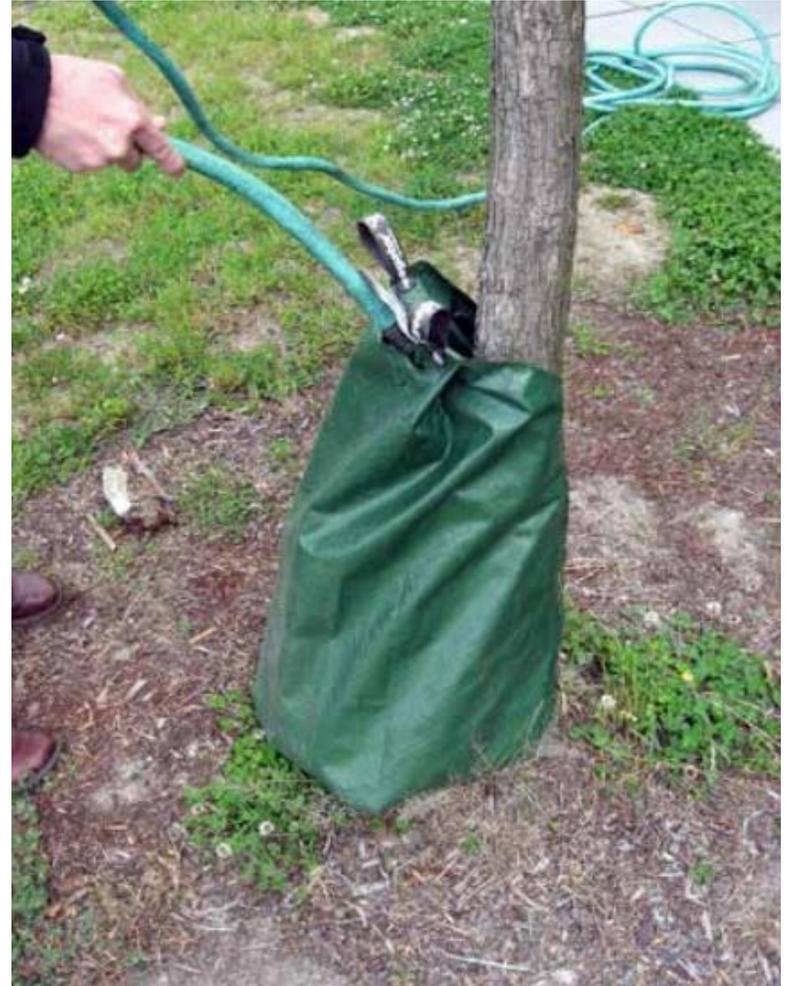
TOPIC	EXISTING REGULATIONS	PROPOSED CHANGES
<b>STREET TREES</b>	Street trees are not required in ROW new residential construction	Street trees required If no room in ROW, elect payment in-lieu
<b>TREE ACTIVITIES</b>	Does not account for insect infestation and/or disease	Emergency actions and hazardous tree removal require documentation
<b>HAZARDOUS TREES</b>	No replacement required when hazardous trees are removed	Requires mitigation for hazardous tree removal (for trees 12" and greater in all zones)
<b>MAJOR INSTITUTION MASTER PLANS</b>	--	Establishes that City Council Adopted Master Plans with tree provisions apply instead of Chapter 25.11
<b>COVENANTS</b>	Not clear	Applies for the life of the development and may be removed if tree dies
<b>ADDITIONAL SDCI POSITIONS</b>	--	Additional permit review, inspection and enforcement staff to handle increased workload to help ensure compliance with new regulations

# OVERALL PROPOSAL BENEFITS

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## Multi-Departmental commitment to:

- 70,400 more trees regulated
- Hundreds more trees replanted
- \$191,000 (estimated 2024 revenue) raised to plant hundreds more trees on public lands, focusing on low-canopy/low-opportunity areas
- Clearer codes and more straight-forward permit process



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Chanda Emery  
chanda.emery@seattle.gov  
(206) 233-2537

[www.seattle.gov/sdci](http://www.seattle.gov/sdci)

