



Draft Tree Code Update Frequently Asked Questions

February 23, 2022

Question	Answer
<i>What is in the draft ordinance?</i>	<p>SDCI and OSE have explored the strategies outlined in Resolution 31902. In summer 2021, we received feedback that helped inform the development of our SEPA draft legislation. For example, the expansion of the types and sizes of trees that are regulated, including a new definition of significant trees.</p> <p>Highlights in the draft ordinance include:</p> <ol style="list-style-type: none">1. Expand the definition of an exceptional tree by lowering the minimum size threshold for certain tree species from 30 inches to 24 inches as measured by diameter at standard height (DSH) and adding tree groves and heritage trees to the definition of exceptional trees (with certain existing exceptional tree species with thresholds smaller than 24 inches continuing to be defined as exceptional). This is accompanied by a draft Director’s Rule to provide additional guidance for exceptional trees that are 24” DSH and smaller pursuant to SMC Chapter 25.11.2. Define “significant tree” as any tree that has a DSH of six inches or greater and is not defined as an exceptional tree and require mitigation for removal of significant trees that are 12 inches or greater. Limit removal of significant trees outside of development to trees smaller than 12 inches.<ol style="list-style-type: none">a. When no development is proposed, limit to three for the number of significant trees less than 12 inches DSH that may be removed in any one-year period on lots in Lowrise, Midrise, commercial, and Neighborhood Residential zones.b. Include demolition permits in the range of permits relevant to tree protection.c. Add a new payment option (voluntary payment-in-lieu) when tree replacement is required, which is subject to further refinement to include City costs such as establishment of trees for a period of 3 to 5 years. The draft includes a Director’s Rule that defines a method for calculating in-lieu payments, and draft payment amounts for exceptional trees, and significant trees 12 inches and greater.3. The draft allows more flexibility for planting replacement trees off-site.4. Allows adjustments to development standards, to accommodate retention of an exceptional tree:<ol style="list-style-type: none">a. For development not subject to design review:<ol style="list-style-type: none">1) Setbacks and separation requirements may be reduced by a maximum of 50 percent;2) Amenity areas may be reduced by a maximum of 10 percent;

	<p>3) Landscaping and screening may be reduced by a maximum of 25 percent; and 4) Structure width, structure depth, and facade length limits may be increased by a maximum of 10 percent.</p> <p>b. For development subject to design review, the departures permitted in the Seattle Municipal Code (SMC) Section 23.41.012. c. Parking reduction. A reduction in the parking quantity required by Section 23.54.015 and the modification of standards for safe access. d. In Lowrise zones, an increase in base height limit of 40 feet to 50 feet, for an additional building floor if needed to recover floor area lost within a tree protection area.</p> <p>5. Simplifies processes and update enforcement provisions for tree regulations, including increasing penalties for violations.</p> <p>6. Adds “Application of tree provisions pursuant to Chapter 25.11” as a Type I decision.</p> <p>7. Adds new definitions of terms, including but not limited to: canopy cover, diameter at standard height (DSH), emergency action, excessive pruning, invasive tree, responsible party, and tree grove.</p> <p>8. Adding tree removals, off-site replanting outside the boundaries of the MPC-YT zone, and voluntary payment in lieu of replanting undertaken as part of redevelopment that meets the planned action ordinance within the MPC-YT zone for Yesler Terrace, as actions exempt from Chapter 25.11.</p> <p>9. Add tree replanting and voluntary payment in-lieu of replanting undertaken as part of development by permanent supportive housing providers as regulated by Title 23, as actions exempt from Chapter 25.11.</p> <p>10. Add a new section addressing emergency actions that may be undertaken without obtaining a permit in advance from the City.</p> <p>11. Add a new section addressing provisions related to hazardous tree removal.</p> <p>12. A new section addressing tree protection on sites in Major Institution Overlay Districts, moving existing provisions to a new Section.</p> <p>13. Simplifies the permit review process by allowing flexibility with development standards to protect exceptional trees in multifamily and commercial zones as an administrative review rather than the require streamlined design review.</p>
<p><i>What does the exceptional tree Rule do?</i></p> <p><i>Does it act alone (not part of the SEPA draft)</i></p>	<p>The draft Rule replaces DR 16-2008. It goes together with the draft legislation. The code provisions in the draft legislation lower the threshold for exceptional tree protections from 30” DSH down to 24” DSH which regulates a larger number of trees than the current tree code. The draft also expands the definition of exceptional trees by including tree groves and heritage trees. The draft also maintains the thresholds for existing exceptional trees smaller than 24” starting in size from 6” DSH.</p>

<p><i>legislation) or does it replace the 2008 Rule?</i></p>	<p>We updated Table 1 in the draft Rule to remove any tree that is listed on the King County invasive and noxious tree and plant list.</p>
<p><i>What public outreach was done to inform this draft legislation?</i></p>	<p>In 2021, SDCI and OSE worked to obtain feedback on strategies in Resolution 31902 from members of Black, Indigenous, and People of Color (BIPOC) and other communities, community organizations, environmental groups, builders, homeowners, tree service providers, and real estate agents. That feedback helped us identify and understand community and stakeholder interests and priorities that shaped and informed the SEPA draft. To do this, we used a two-pronged approach for the community engagement. One approach included an interdepartmental partnership with the Department of Neighborhoods' Community Liaisons to conduct culturally appropriate engagement in their own language targeting the needs and input of low-income and low-tree-canopy neighborhoods. The other approach focused on engaging other key stakeholders to hear their input through online listening sessions.</p> <p>In order to both collect input to inform the recommendations and allow time for more inclusive engagement, SDCI and OSE conducted these two phases concurrently. The work took place between July and October 2021. SDCI and OSE prepared a combined summary report of the results; that report is posted on the SDCI website.</p>
<p><i>What is the payment in-lieu Rule? How does it work?</i></p>	<p>The purpose of this draft Rule is to provide further guidance for the what the payment in lieu amounts are for the purpose of environmental (SEPA) review. Further work is needed to account for City costs including the establishment of planted trees to help ensure they survive for a period of three to five years. These are included in the Draft payment in-lieu Rule rather than in the draft ordinance because SDCI can update the amounts more frequently and therefore be in line with current tree pricing in the Seattle area.</p> <p>The draft Rule also provides the method for establishing the value of trees to be removed based on the <i>Guide for Plant Appraisal</i>, published in 2018, 10th edition, authored by the Council of Tree and Landscape Appraisers. The methodology is based on the Functional Replacement Formula and may be adjusted to include City costs.</p> <p>The formula uses the area of the tree trunk measured at a standard height above the ground and translates that into the number of replacement trees that would be planted to roughly equal the ecological function of the tree to be removed when the replacement trees mature.</p>

	<p>The Draft payment in-lieu Rule has two payment categories: 1) significant trees and 2) exceptional trees. These categories are based on Resolution 31902 to expand the definition of exceptional trees and to create a definition for significant trees.</p> <p>Other Cities that use payment in-lieu include Mercer Island, Redmond and Portland, Oregon. SDCI staff have consulted with these cities during the development of these proposals.</p>
<p><i>How would this benefit the tree canopy?</i></p> <p><i>Can you quantify the benefits?</i></p>	<p>The draft, if adopted, would increase the number of trees regulated, and that, may be required to be preserved or replaced if removed. The draft would protect an estimated additional 70,400 trees over 12" in trunk diameter, 22,400 of which are 24" or greater.</p> <p>Given that residential areas represent 67% of the land and hold 72% of Seattle's tree canopy, increasing protection of trees in these areas is critical to achieving the citywide canopy cover goals stated in the city's Urban Forest Management Plan (UFMP).</p> <p>Estimates of benefits to the tree canopy cannot be quantified with existing information. Future evaluation is anticipated based on an analysis to tree protection and replacement outcomes from any newly adopted tree code compared to the existing code.</p> <p>The Urban Forestry Management Plan (UFMP) includes a tree canopy coverage assessment based on maps prepared in 2016 using aerial photography. Future mapping updates are underway to better understand tree canopy coverage over time.</p>
<p><i>Are there plans to involve the Urban Forestry Commission (UFC) in drafting the final legislation?</i></p>	<p>Yes. SDCI and OSE will continue to partner with the UFC. We expect to hear feedback from the UFC throughout the drafting of the final legislation which will be over the next several months.</p>
<p><i>When will final legislation get approved?</i></p>	<p>This is a SEPA (environmental) draft ordinance at this point. A SEPA decision allows for an appeal if anybody feels the decision was issued in error or omitted necessary information to understand the differences between the existing and draft codes. We expect any appeal of the SEPA decision to take several months to resolve.</p>
<p><i>How much money will the payment in-lieu generate?</i></p>	<p>Work to estimate potential revenues available for replanting are ongoing. No estimates are available now. These will likely include City costs, such as establishment of replanted trees.</p>

<p><i>Where will the trees be planted and who will care for them?</i></p>	<p>Newly planted trees would be planted on public property when onsite replacement is not feasible or desirable. This could be property owned and maintained by the City. Future policy decisions could prioritize new trees to be planted in low-canopy and/or low-income areas citywide to help address public health disparities (air quality lower in BIPOC areas such as Duwamish, and Central District).</p>
<p><i>How would the draft impacts Seattle homeowners?</i></p>	<p>Homeowners would continue to be allowed to remove up to three non-exceptional trees per year that are not hazardous. The draft would place a new size limit of 12” on the size of trees that may be removed (meaning that only trees under 12” may be removed).</p> <p>The draft legislation includes a homeowner self-reporting option for tree removal on private property outside of development to help the City monitor how these removals effect the overall tree canopy. This reporting would be done via a City website.</p>
<p><i>Will it take longer to get permits to build housing?</i></p>	<p>The draft would not create permitting requirements that don’t already exist. Instead, permits that are already required would have a new review for newly regulated tree activity (proposed removal of a regulated tree) in addition to the existing reviews such as for building and land use code compliance. SDCI estimates that under existing tree regulations approximately 580 permit applications per year include a review of regulated tree activity. Under the draft legislation that would increase to approximately 2,300 permit applications per year.</p>
<p><i>What is the applicable zoning for the draft legislation?</i></p>	<p>The zoning applicable to the tree code is the same as the current code and covers the land area where the majority of the tree canopy exists. The zoning categories are: Single-family, Multifamily and Commercial. Each of these zoning categories include multiple zones. For example, multifamily has lowrise, midrise and highrise. Commercial zones include commercial, neighborhood commercial and the Seattle Mixed zones.</p>