

## NOTICE OF DETERMINATION OF NON-SIGNIFICANCE FOR THE TREE PROTECTIONS CODE UPDATE

Pursuant to SMC 25.05.340 and WAC 197-11-340

The City of Seattle proposes a non-project legislative action that amends Title 23 (Land Use Code) and Title 25 (Tree Protection Code), to update tree protections. The actions include the following subjects:

- A. Expand the types and sizes of trees that are regulated, including a new definition of significant trees;
- B. Apply replacement requirements to include significant trees 12 inches in diameter and larger;
- C. Simplify provisions, including allowing development standards to be modified to aid in tree preservation as an administrative process without requiring Design Review, while maintaining Design Review as an option in multifamily and commercial zones;
- D. Establish a payment option for tree replacement (payment in lieu);
- E. Support tracking of tree preservation, removal, and replacement; and
- F. Increase penalties for violations of tree regulations.

Selected details of the proposal include:

- 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. Newly 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.
  - a. When no development is proposed, limit to three 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.
- 3. Add a new section that establishes a payment option (voluntary payment-in-lieu) when tree replacement is required.
  - a. The proposal 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.
  - b. The proposed code section also indicates that off-site planting is allowed for planting of replacement trees.
- 4. Adjustments to development standards, to accommodate retention of an

exceptional tree:

- a. For development not subject to design review:
  - 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;
  - 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.
- b. For development subject to design review, the departures permitted in 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.
5. Simplify processes and update enforcement provisions for tree regulations, including increasing penalties for violations.
6. Add "Application of tree provisions pursuant to Chapter 25.11" as a Type I decision.
7. Add 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.
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.
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.
10. Add a new section addressing emergency actions that may be undertaken without obtaining a permit in advance from the City.
11. Add a new section addressing provisions related to hazardous tree removal.
12. A new section addressing tree protection on sites in Major Institution Overlay Districts, moving existing provisions to a new Section.
13. Delete the requirement for streamlined design review to occur if an exceptional tree is present on a site proposed for development.

## **ENVIRONMENTAL DETERMINATION**

After review of a completed environmental checklist and other information on file, the Seattle Department of Construction and Inspections (SDCI) has determined that the amendments described above will not have a probable significant adverse environmental impact, and has issued a Determination of Non-Significance (DNS) under the State Environmental Policy Act (no Environmental Impact Statement required).

## **HOW TO COMMENT**

Comments regarding this DNS or potential environmental impacts may be submitted through March 3, 2022. Comments may be sent to:

**City of Seattle, SDCI**  
**Attn: Gordon Clowers**  
**P.O. Box 94788**  
**Seattle, WA 98124-7088**  
[gordon.clowers@seattle.gov](mailto:gordon.clowers@seattle.gov)

#### **HOW TO APPEAL**

Appeals of the decision to issue a Determination of Non-Significance (DNS) must be submitted to the Office of the Hearing Examiner by 5:00 p.m., March 10, 2022. Appeals should be addressed to the Hearing Examiner and must be accompanied by an \$85.00 filing fee in a check payable to the City of Seattle. The appeal must be sent to:

**City of Seattle**  
**Hearing Examiner**  
**PO Box 94729**  
**Seattle WA 98124-4729**

#### **INFORMATION AVAILABLE**

Copies of the DNS and the proposal may be obtained online at [Changes to Code - SDCI | seattle.gov](https://www.seattle.gov/changes-to-code-sdci). (The SDCI Public Resource Center is currently closed due to public health emergency.)

Questions about the proposed amendments and the environmental determination can be directed to Gordon Clowers, SDCI Senior Planner, at [gordon.clowers@seattle.gov](mailto:gordon.clowers@seattle.gov).