

FISCAL NOTE FOR NON-CAPITAL PROJECTS

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Legislation Title:

AN ORDINANCE relating to tree and vegetation management in public places; adding a new Chapter 15.43 to Subtitle I of Title 15 of the Seattle Municipal Code to provide for the regulation of planting, maintenance, and removal of trees and shrubs in all public places; amending Sections 15.02.042, 15.02.044, 15.02.046, 15.04.012, 15.18.010, 15.90.018, and 15.91.002; repealing Chapter 15.42 of the Seattle Municipal Code ; and amending the current Seattle Department of Transportation Street Use fee schedule by adding new tree-related Street Use permit codes.

Summary of the Legislation:

This ordinance establishes the Director of Transportation’s authority to develop rules, regulations, policies and arboricultural standards governing protection and preservation, planting, pruning, maintenance and removal of street trees.

The proposed ordinance also addresses the following issues:

- Recognizes the value trees contribute to the quality of life, including reducing storm water runoff, replenishing ground water supplies, reducing air, water and noise pollution, reducing energy consumption, sequestering carbon, and other benefits.
- Declares the City’s intent to preserve, promote, and protect trees whenever possible. This ordinance prohibits the topping of trees, the storage of material in the tree root zone, and makes it illegal to destroy or damage a street tree.
- Establishes regulatory authority of the Department of Transportation for the planting, maintenance, and removal of trees in the public place and issuing permits allowing property owners to perform such work.
- Identifies non-permitted activities related to the treatment of trees and establishes penalties for damaging or destroying trees in the public place.
- Sets out conditions for granting or denying permits for planting, pruning, or removing trees in the public place. Permit fees are established by ordinance in the SDOT Street Use Fee schedule.
- Clarifies City of Seattle and property owner responsibilities for maintaining trees that are growing within the public place.
- Requires that work on street trees be performed by or be under the supervision of an ISA Certified Arborist or Certified Treeworker.

- Establishes a ‘no-cost’ tree service provider registry that ensures the ISA certification, insurance, and City licensing requirements are met prior to being included on the registration listing.

Background:

The proposed legislation would replace the existing Chapter 15.42, which was adopted in 1962. Since that time, the urban forest canopy has declined from 30% to 23%. In 2007, the Urban Forest Management Plan, in conjunction with Seattle’s Climate Action Plan, developed city-wide goals for increasing tree canopy. In addition, the goals of the legislation are reflected in the 2009 Seattle Comprehensive Plan that defines the City’s policy to protect and retain trees to enhance the urban characteristics and to reduce the effects of urban pollution; and the 2009 Pedestrian Master Plan that aligns the goals of tree preservation and improved walkability in our communities. The policy goals for the proposed legislation are to prioritize tree preservation; add tree care standards for pruning and maintenance work done on street trees; clarify maintenance responsibilities; and establish penalties for non-permitted or non-compliant work performed on street trees. In preparing this legislation, SDOT met with more than a dozen community councils, business groups and citizen boards, as well as sent out announcements to 2,100 business owners.

Please check one of the following:

This legislation does not have any financial implications.

This legislation has financial implications.

Appropriations: N/A

Total Regular Positions Created, Modified, or Abrogated through this Legislation, Including FTE Impact:

None.

Do positions sunset in the future? N/A

Spending/Cash Flow: N/A

Other Implications:

a) **Does the legislation have indirect financial implications, or long-term implications?**

The anticipated long-term effect will be an improvement in the overall City-wide tree canopy coverage.

Although there are no anticipated financial impacts, the SDOT Street Use Fee Schedule needs to be changed to reflect changes to two permit types (type 1A and 43) and the addition of two

new permit types (1B and 1C). Use Code 1A will be amended to more easily discern how many permits are issued for all tree maintenance activities for pruning, planting, and removals. For these permit use codes (1A, 1B, and 1C) there is no fee charged for these permit activities. There were 510 type 1A permits issued in 2009, 556 permits issued in 2010, and 620 permits issued in 2011 that included all tree pruning, planting, and removal activities.

The other change is the elimination of Use Code 43. Impacts to mobility associated with the work that may be permitted under 1A, 1B, or 1C will be required to obtain the necessary permits to block mobility and coordinate the use of the public place. These mobility impact permits will be assessed the appropriate fee as already established in the current Street Use Permit fee schedule.

b) What is the financial cost of not implementing the legislation?

The financial costs of not implementing include increased costs City-wide associated with storm water mitigation; health impacts due to the lost opportunity for cleaner air; and street level cooling during the summer months.

c) Does this legislation affect any departments besides the originating department?

No.

d) What are the possible alternatives to the legislation that could achieve the same or similar objectives?

None.

e) Is a public hearing required for this legislation?

The SEPA Determination of Non Significance was posted on January 5th and 12th 2012 with no appeals filed with the Hearing Examiner and one set of comments.

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

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g) Does this legislation affect a piece of property?

No.

h) Other Issues:

Schedule of public meetings:

Date	Location or group	Attendees
12/12/11	High Point Community Center – public meeting	6
12/14/11	Van Asselt Community Center– public meeting	0
12/15/11	Miller Community Center - public meeting	8
1/4/12	SouthWest Community Council– community associations	15
1/9/12	Meadowbrook Community Center – public meeting	10
1/11/12	Ballard Community Center – public meeting	9
1/11/12	Ballard District Council presentation – community associations	40

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1/24/12	North Seattle Industrial Association	20-25
2/1/12	Feet First Board meeting	8
2/1/12	North District Council – community associations	32
2/6/12	Mt. Baker Community Club	31
2/21/12	Magnolia Community Club	12
4/11/2012	Pedestrian Planning Board	20

List attachments to the fiscal note below:

None