



**Legislative Department
Seattle City Council
Memorandum**

Date: August 11, 2010

To: Councilmember Richard Conlin, Chair
Councilmember Mike O'Brien, Vice Chair
Councilmember Jean Godden, Member
Regional Development and Sustainability (RDS) Committee

From: Michael Jenkins, Council Central Staff

Subject: Department of Planning and Development (DPD) preliminary report on proposed tree regulations requested under Resolution 31138.

Resolution 31138, adopted by Council in August 2009, requested that City departments submit legislation establishing regulations and incentives to limit tree removal and promote tree retention on private and public property. The resolution was adopted by Council following the 2009 City of Seattle Auditor's report titled "Management of Trees in Seattle". At the August 3, 2010 RDS committee meeting, city staff provided RDS committee members with a report on the status of implementing strategies outlined in the resolution, including a city-wide survey of trees and improved coordination between City departments on tree preservation in rights of way.

The resolution also requested that the Department of Planning and Development (DPD) report back to Council on numerous issues related to tree protection on private property, including coordination with City departments on the effect of any potential tree regulations on City-owned land. DPD developed a July 14, 2010 report titled "City of Seattle - Proposed Tree Regulations", included in your binders. Two fundamental questions answered by DPD in this report concern 1) the feasibility of establishing a tree removal permit requirement and 2) developing enhanced protections for "exceptional trees"¹. DPD's initial recommendations on these two issues is to 1) not proceed with a tree removal permit requirement and 2) eliminate exceptional tree permit requirements in all zones.

While DPD's initial recommendation on these two issues will be the subject of further review and comment, there are other work items in the resolution that are not addressed in DPD's report. Prior to Council review of any legislation to change the City's tree regulations, DPD should address the remaining items detailed in the resolution. I have listed these items below, along with a reference to the action number from the resolution:

¹ The City's tree ordinance defines "Exceptional tree" as "A tree or group of trees that because of its unique historical, ecological, or aesthetic value constitutes an important community resource, and is deemed as such by the Director according to standards promulgated by the Department of Planning and Development".

- Adopting a prohibition on tree removal in required yards or required setbacks during construction, unless development would be substantially precluded or prohibited (Section 1b);
- Expanding Seattle Municipal Code section 23.84A to include definitions that support tree protection, planting and preservation measures (Section 1c);
- Using a Transfer of Development Rights program to provide incentives to protect existing groves of trees (Section 1g)²;
- Adopting provisions that allow alternative ways to retain canopy cover when trees are removed, including contributing to a fund to plant and/or maintain other trees or tree planting on offsite locations (Section 1h);³
- Establishing a minimum required canopy coverage area as a percentage of the area of any surface parking lot (Section 2d); and
- Adopt tree planting and tree retention requirements for all new or modified structures serving Institutions⁴, City Facilities, Public Facilities and Schools, similar to those found for other permitted uses in the zone in which each such use is located. (Section 4).

DPD's report estimates that legislation to change the City's tree ordinance will be forwarded to Council in 2011. Prior to introducing any such legislation, Committee members may want to require DPD to report back on the remaining items from the resolution. However, this may further delay action on items detailed in DPD's current report.

² Groves of trees are included in the current definition of "exceptional trees", which would be eliminated under DPD's current proposal.

³ DPD's proposal only allows a payment in lieu of retention option in single family zones.

⁴ DPD's proposal calls for tree planting at Institutions in Single-family zones. However, it does not include tree planting requirements in any other zones. Institutions permitted in single family are child care centers, private schools, religious facilities, libraries and existing institutes for advanced study. Institutions permitted in other zones include hospitals, museums, schools and private clubs.