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# Development Code Amendment Batch – Tree Related Amendments

City Council Discussion  
February 28, 2022



# Agenda

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- Current code summary
- Example of how to apply current code
- Review Commission recommended changes to the code
- Discussion/questions



Presenter: Cate Lee

Photo credit: Cate Lee



# Current Code Summary

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## Subchapter 5. Tree Conservation, Land Clearing and Site Grading Standards

- 20.50.290 Purpose.
- 20.50.300 General requirements.
- 20.50.310 Exemptions from permit.
- 20.50.320 Specific activities subject to the provisions of this subchapter.
- 20.50.330 Project review and approval.
- 20.50.340 Basic operating conditions and standards of performance.
- 20.50.350 Development standards for clearing activities.
- 20.50.360 Tree replacement and site restoration.
- 20.50.370 Tree protection standards.

## Title 20 DEVELOPMENT CODE

### Division I. Unified Development Code

Tree regulations for private property

- 20.10 General Provisions
- 20.20 Definitions
- 20.30 Procedures and Administration
- 20.40 Zoning and Use Provisions
- 20.50 General Development Standards
- 20.60 Adequacy of Public Facilities
- 20.70 Engineering and Utilities Development Standards
- 20.80 Critical Areas
- 20.93 Aldercrest – Planned Area 3
- 20.94 Point Wells – Planned Area 4
- 20.100 Special Districts



Presenter: Cate Lee

# Current Code Summary

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- Is a permit required?
- If not exempt, how many trees need to be retained?
- If not exempt, how many replacement trees are required?
- If any development is taking place on a site, what protection measures are required?



Presenter: Cate Lee



Photo credit: Cate Lee

# Current Code Summary

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- A permit is required for a significant sized tree when:
  - It is 30" DBH or greater
  - Is it located in a critical area or buffer
  - The count to be removed is more than six (6)
  - It is located in a residential, MUR-35' or MUR-45' zoning district



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Photo credit: Cate Lee

# Current Code Summary

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- “DBH” means “diameter at breast height”
- The diameter of any tree trunk, measured at four and one-half feet above average grade



Presenter: Cate Lee



Photo credit: Harvard University

# Current Code Summary

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- If not exempt, how many trees need to be retained?
  - 20 percent of significant size trees (30 percent in critical area or buffer)
  - “Significant size tree” means any tree 8 inches or greater in diameter at breast height if it is a conifer and 12 inches or greater in diameter at breast height if it is a nonconifer
  - The 20 percent is calculated after removing partially exempt trees from the number on which to base the percentage



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# Current Code Summary

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- The PCD Director may allow a reduction in the minimum significant tree retention percentage if all of the following criteria are satisfied:  
The exception is necessary because:
  - There are special circumstances related to the size, shape, topography, location or surroundings of the subject property.
  - Strict compliance with the provisions of this Code may jeopardize reasonable use of property.
  - Proposed vegetation removal, replacement, and any mitigation measures are consistent with the purpose and intent of the regulations.
  - The granting of the exception or standard reduction will not be detrimental to the public welfare or injurious to other property in the vicinity.



Presenter: Cate Lee



# Current Code Summary

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- If not exempt, how many replacement trees are required?
  - Conifer
    - 8" to 11" DBH = 1 replacement tree
    - 11.1" to 14" = 2 replacement trees
    - 14.1"+ = 3 replacement trees
  - Deciduous
    - 12" to 15" = 1 replacement tree
    - 15.1" to 18" = 2 replacement trees
    - 18.1"+ = 3 replacement trees
  - Replacement size requirement is 6' tall for conifers, 1.5" caliper for deciduous



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# Current Code Summary

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- To the extent feasible, all replacement trees shall be replaced on site. When an applicant demonstrates that the project site cannot feasibly accommodate all of the required replacement trees, the Director may allow the payment of a fee in lieu of replacement at the rate set forth in Chapter 3.01 SMC, Fee Schedules, for replacement trees or a combination of reduction in the minimum number of replacement trees required and payment of the fee in lieu of replacement at the rate set forth in Chapter 3.01 SMC, Fee Schedules, if all of the following criteria are satisfied:
  - There are special circumstances related to the size, shape, topography, location or surroundings of the subject property.
  - Strict compliance with the provisions of this Code may jeopardize reasonable use of property.
  - Proposed vegetation removal, replacement, and any mitigation measures are consistent with the purpose and intent of the regulations.
  - The granting of the exception or standard reduction will not be detrimental to the public welfare or injurious to other property in the vicinity.

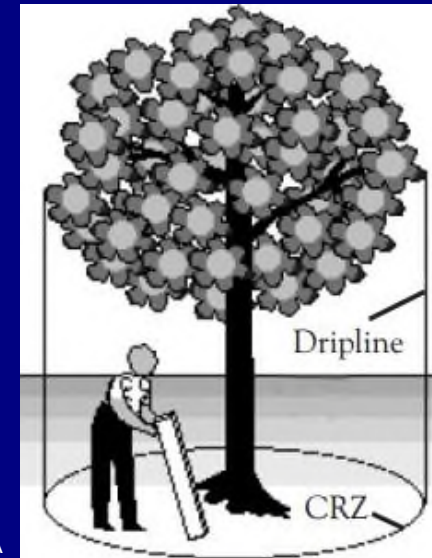


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# Current Code Summary

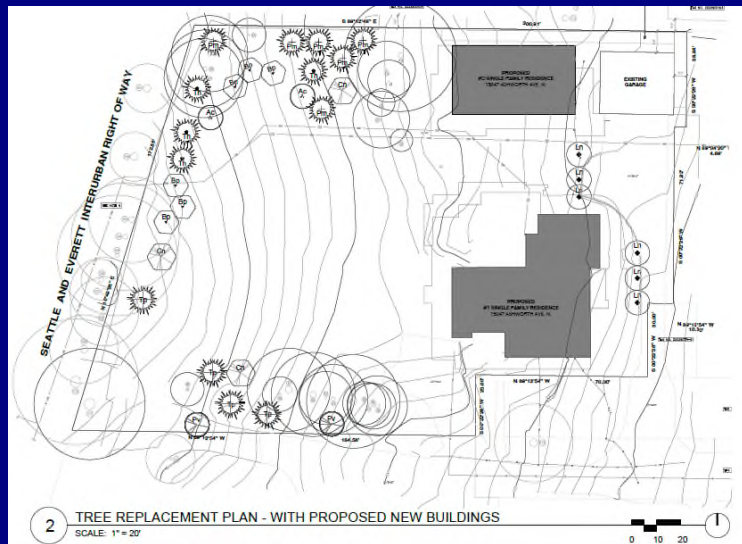
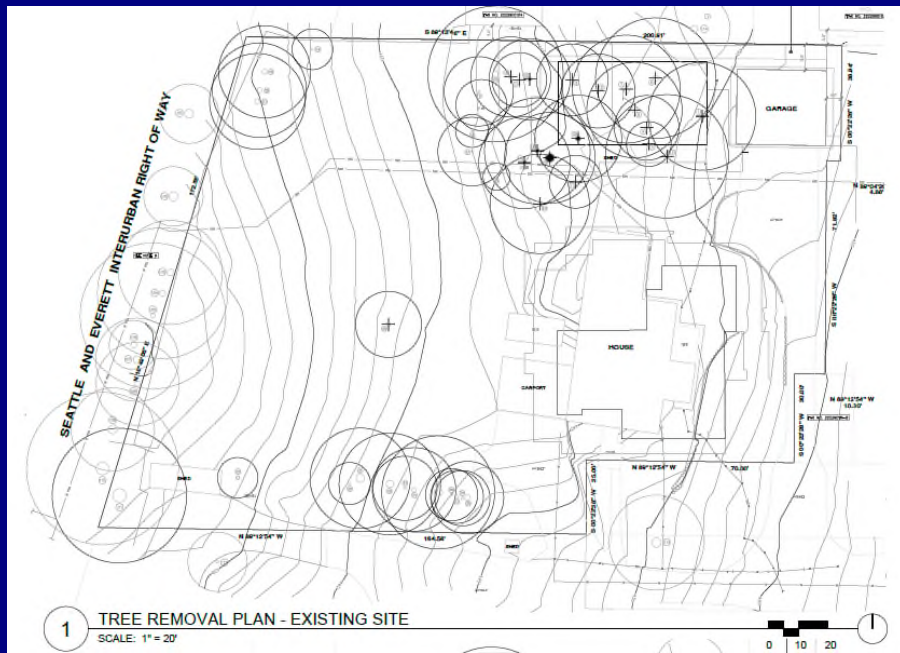
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- If any development is taking place on a site, what protection measures are required?
  - Tree dripline areas or critical root zones (tree protection zones) as defined by the International Society of Arboriculture shall be protected.
  - The International Society of Arboriculture defines CRZ as an area equal to a 1-foot radius from the base of the tree's trunk for each 1 inch of the tree's diameter at 4.5 feet above grade (referred to as diameter at breast height).



Presenter: Cate Lee

# Current Code - Example



Tree Calculations	Totals
Significant Trees on Lot/Site (A)	40
Significant Trees to be Removed	19
Significant Trees to be Retained (Min 20%)	21
Exempt from Replacement (B) (Table 20.50.310(B)(I) Below)	6
Trees Requiring Replacement	13
Replacement Trees (C)	28

Percent Calculation:

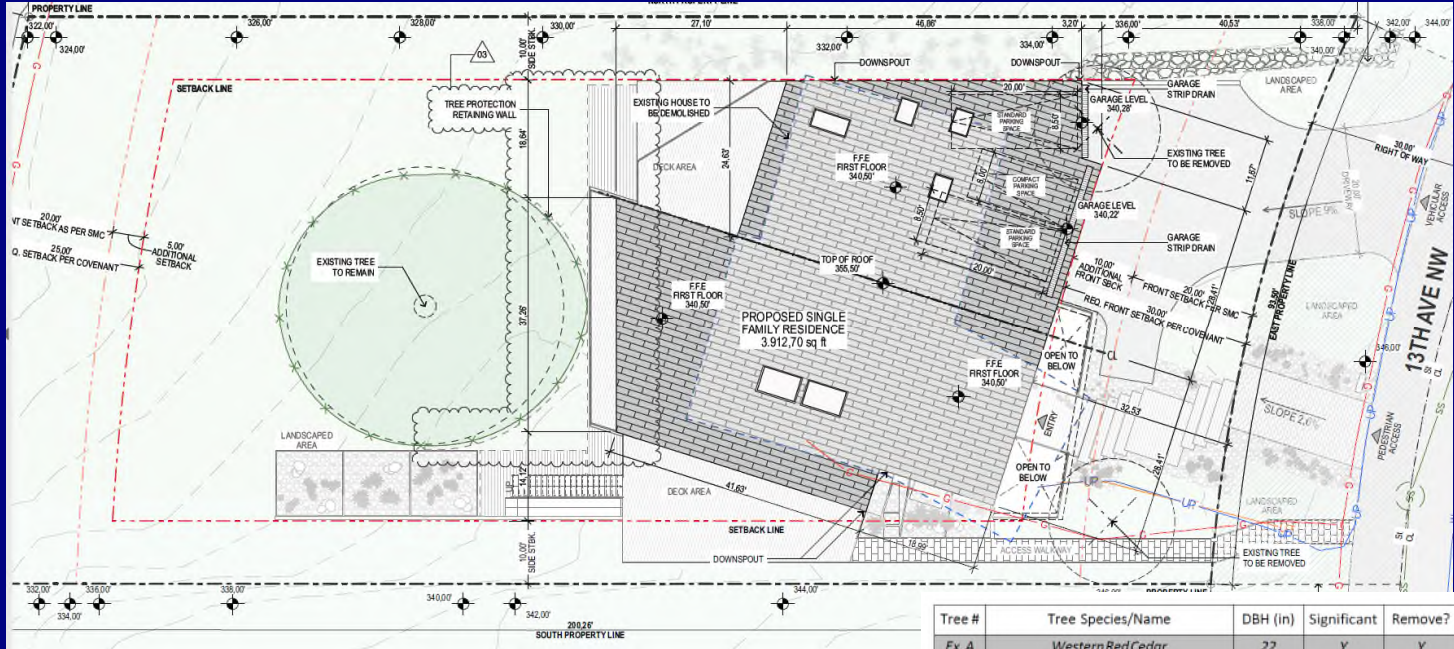
$$40 - 6 = 34$$

$$21 / 34 = 0.6176, \text{ so } 62\% \text{ retention}$$



Presenter: Cate Lee

# Current Code - Example



Presenter: Cate Lee

Tree #	Tree Species/Name	DBH (in)	Significant	Remove?	Replace (count)
Ex. A	Western Red Cedar	22	Y	Y	3
Ex. B	Big Leaf Maple	10	N	Y	N/A
1	Western Redcedar	42,3	Y	N	N/A
1	Japanese Maple	10,1	N	Y	N/A
1	Dogwood	5,6	N	Y	N/A

# Background

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The mostly privately-initiated amendments discussed tonight are related to the regulation of trees which includes new and revised definitions, protection of trees during development, and increased significant tree retention.



Presenter: Steve Szafran

# Amendment #C1

## PC Approval

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<u>Critical Root Zone (CRZ)</u>	<u>This means the International Society of Arboriculture (ISA) definition of CRZ as an area equal to one-foot radius from the base of the tree's trunk for each one inch of the tree's diameter at 4.5 feet above grade (referred to as diameter at breast height). Example: A 24-inch diameter tree would have a critical root zone radius (CRZ) of 24 feet. The total protection zone, including trunk, would be 50 feet in diameter. This area is also called the Tree Protection Zone (TPZ). The CRZ area is not synonymous with the dripline.</u>
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<u>Critical Root Zone, Inner</u>	<u>The ICRZ means an area encircling the base of a tree equal to one-half the diameter of the critical root zone. This area may also be referred to as the interior critical root zone. Disturbance of this area would cause significant impact to the tree, potentially life threatening, and would require maximum post-damage treatment to retain the tree.</u>
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# Amendment #C2

## PC Approval

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### Tree Canopy

The total area of the tree or trees where the leaves and outermost branches extend, also known as the “dripline.” uppermost layer of the tree or group of trees are formed by the leaves and branches of dominant tree crowns.



Presenter: Steve Szafran



# Amendment #C2

## PC Approval

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Tree, Hazardous

A tree that is either dead, permanently damaged and/or is continuing in declining health or is so affected by a significant structural defect or disease that falling or failure appears imminent, or a tree that impedes safe vision or traffic flow, or that otherwise currently poses a threat to life or property.

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Presenter: Steve Szafran

# Amendment #C2

## PC Approval

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### Tree, Landmark

Any healthy tree over 24 30 inches in diameter at breast height (dbh) that is worthy of long-term protection due to a unique combination of ~~or~~ any tree that is particularly impressive ~~or unusual~~ due to its size, shape, age, location, aesthetic quality for its species ~~historical significant~~ or any other trait that epitomizes the character of the species, and/or has cultural, historic or ecological importance or that is a regional erratic. Long term protection and recognition of any landmark tree may be obtained through the Landmark Tree Designation program as detailed in SMC 20.50.350(F).

# Amendment #C2 PC Denial

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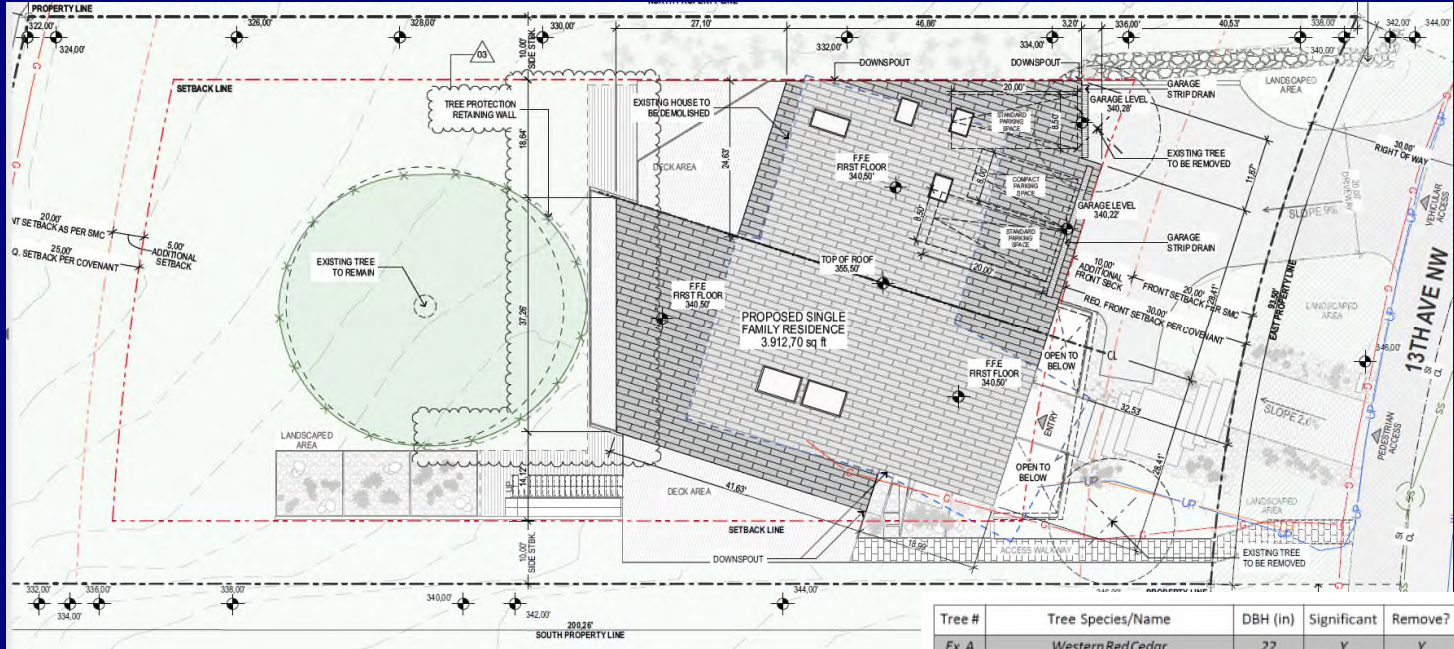
Tree, Significant

Any healthy tree six eight inches or greater in diameter at breast height (dbh) if it is a conifer and 12 inches or greater in diameter at breast height if it is a nonconifer excluding those trees that qualify for complete exemptions from Chapter 20.50. SMC, Subchapter 5, Tree Conservation, Land Clearing, and Site Grading Standards, under SMC 20.50.310(A).



Presenter: Steve Szafran

# Current Code - Example



Presenter: Cate Lee

Tree #	Tree Species/Name	DBH (in)	Significant	Remove?	Replace (count)
Ex. A	Western Red Cedar	22	Y	Y	3
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1	Western Redcedar	42,3	Y	N	N/A
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1	Dogwood	5,6	N	Y	N/A

# Amendment #C3

## PC Approval

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### Urban Forest

All trees within the city limits and the various ecosystem components that accompany these trees (soils, understory flora, diverse species, and habitats) under any public or private ownership and land use type, developed or undeveloped. This includes public parks, city streets, private yards and shared residential spaces, community spaces (such as libraries) and commercial and government property.

### Urban Tree Canopy

From an aerial view during summer, the percentage of ground that is obscured from view by trees.

# Amendment #C4

## PC Approval

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SMC 20.50.290 – Purpose (Tree Conservation, Land Clearing and Site Grading Standards)

*Proposal – These amendments adds clarified language for greater tree preservation and protection language.*



Presenter: Steve Szafran

# Amendment #C5

## PC Approval

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20.50.300 – General Requirements (for Tree Conservation, Land Clearing and Site Grading Standards)

*These proposed amendments added to this section include:*

- 1. Best Management Practices*
- 2. Site Violations*
- 3. Restoration Plans*
- 4. Site Investigations*



Presenter: Steve Szafran

# Amendment #C6 PC Denial

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SMC 20.50.310 – Exemptions From Permit

*The proposed amendments to this section revise the maximum number of trees that may be removed without a permit depending on lot size.*



Presenter: Steve Szafran



# Amendment #C7

## PC Approval

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20.50.350 – Development standards for clearing activities.

*This amendment increases the minimum tree retention requirements from 20% to 25%.*



Presenter: Steve Szafran

# Amendment #C8

## PC Approval

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Exception 20.50.350(B)(1) – Significant Tree Retention

*This is a staff proposed amendment to allow the Director to waive (not just reduce) the minimum significant tree retention to facilitate several other priorities such as preservation of a greater number of smaller trees, landmark trees, recommendations by a certified arborist, perimeter buffers, or threats to reasonable use of property.*



Presenter: Steve Szafran

# Amendment #C9

## PC Denial

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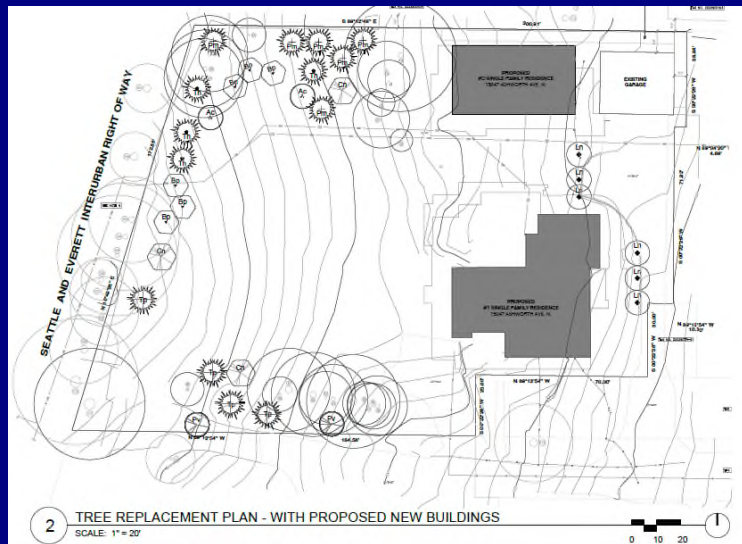
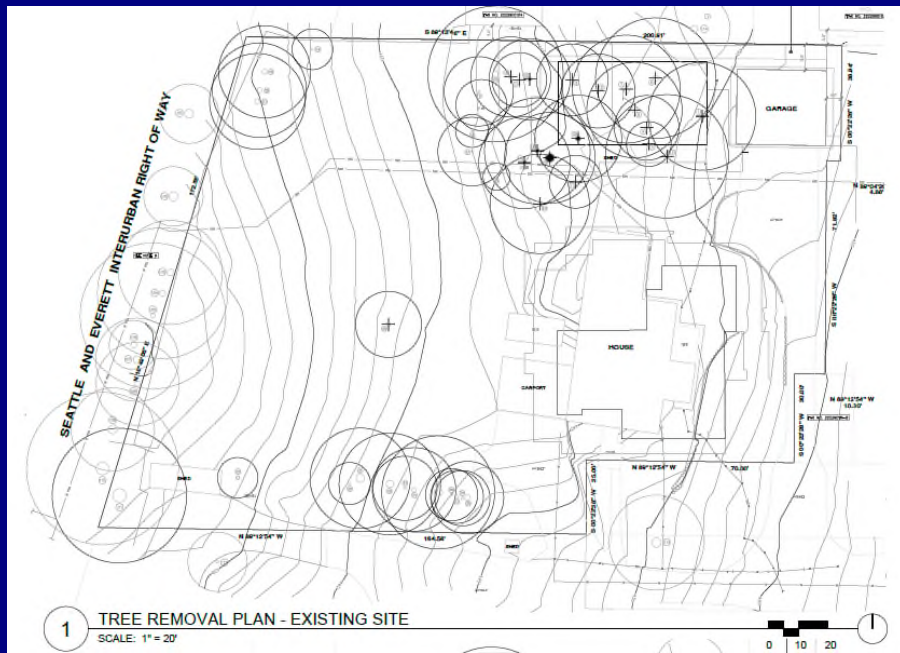
Exception 20.50.360 – Tree replacement and site restoration

*This proposed amendment requires an applicant to either provide replacement trees for significant trees removed during development or pay the fee-in-lieu of tree replacement to the dedicated tree fund if trees cannot be replaced on-site.*



Presenter: Steve Szafran

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Presenter: Cate Lee

# Amendment #C10

## PC Approval

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20.50.370 Tree protection standards.

*This amendment proposes tree protection measures that clarify the best management practices that need to be implemented to improve and safeguard the survival of the designated trees to be retained during construction including increasing the height of protective fencing during construction.*



Presenter: Steve Szafran

# Next Steps

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City Council Discussion on Miscellaneous  
and SEPA Amendments – March 7

City Council Action – March 21



# Discussion/Questions

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