

From: [John Norris](#)
To: [Eben Pobee](#)
Cc: [Debbie Tarry](#); [Pollie McCloskey](#); [Rachael Markle](#); [Andrew Bauer](#); [Heidi Costello](#)
Subject: FW: MUR-70--10% Tree Retention.
Date: Friday, June 24, 2022 2:35:15 PM
Attachments: [image.png](#)

Eben,

Please see the response below from our Planning Department regarding the historical context of the tree retention standards in the MUR-70 zone. You are correct that anything currently in permitting is vested to our current code. This history will hopefully provide the context to answer your questions. Please let us know if you have any other questions about these code amendments. We will also include this response in the Green Folder for the Council meeting so that all Councilmembers have the benefit of seeing your question and this response. Thanks!
John

On February 26, 2018, the Council adopted [Ordinance No. 789](#) that included a privately initiated Development Code amendment that sought to delete the MUR-70' zoning tree retention and replacement exemptions found in SMC 20.50.310.A.5. The amendment passed and the MUR-70' zone was no longer completely exempt from SMC Subchapter 5. Tree Conservation, Land Clearing and Site Grading Standards. The same standards for tree replacement in the residential zones applied in the MUR-70' zone. Therefore, in the MUR-70' zone 20% of the significant trees on site or 30% of significant trees if critical areas or there buffers are present were to be retain and any significant trees removed over the allowed partial exemption were to be replaced at a one to one rate for significant trees of eight inches in diameter at breast height for conifers or 12 inches in diameter at breast height for all other trees. For trees larger than eight inches in diameter at breast height for conifers or 12 inches in diameter for all other trees, each additional three inches in diameter at breast height equals one additional new tree, up to three trees per significant tree removed. The Council also requested that staff investigate ways to encourage tree retention in the MUR-70' zoning district.

As requested by Council, staff worked with the Planning Commission on incentives to retain trees in the MUR-70' zone and returned to Council on July 30, 2018, with the Planning Commission's recommended Development Code amendments. On August 13, 2018, Council adopted [Ordinance no. 833](#). This ordinance reinstated SMC 20.50.010(5) which again exempted the removal of trees in MUR-70' from SMC Subchapter 5 and added a new exception (12) and (18) to the Exceptions Table 1 and 2 in SMC 20.50.020 as incentives for tree retention. Exception 12 reads as follows: "Base height in the MUR-70' zone may be increased up to 80 feet when at least 10 percent of the significant trees on site are retained and up to 90 feet when at least 20 percent of the significant trees on site are retained to create an incentive to retain trees in the MUR-70' zone" Exception 18 reads as follows: "The minimum front yard setback in the MUR-70' zone may be reduced to five feet on a nonarterial street if 20 percent of the significant trees on site are retained."

To get the complete justification for Council's adoption of Ordinance 789 and Ordinance 833, the Council meetings associated with the study and adoption of these Ordinances could be consulted (here are the adoption staff reports for [Ord. 789](#) and [Ord. 833](#)). My take-away from the Council discussions was that tree retention and replacement is important AND redevelopment in MUR-70' is important. The MUR-70' zone is where the city has adopted long range plans for transit-oriented redevelopment to allow for more people to live within walking distance of transit in a variety of housing options that are required to be built green with affordability requirements as well. By eliminating the complete exemption for tree removal and replacement in the MUR-70' with the adoption of Ordinance No. 789, redevelopment in the MUR-70' was made more difficult than any of the other zones that allow mixed use and multi-family development in the City. Council also acknowledged that retaining trees and protecting trees during construction on redevelopment sites in the MUR-70' zone would be very difficult as construction on these sites often involves excavation to the property line for underground parking and stormwater vaults. Council also articulated the environmental benefits, including for trees created by encouraging redevelopment from a single-family land use pattern to transit oriented development adjacent to light rail stations. Benefits cited by during Council discussion included reducing transportation related green house gases, reducing urban sprawl into under and undeveloped areas inside and outside of the Urban Growth Boundary whereby saving large tracts of trees and other natural resources.

From: Eben Pabee <EPabee@shorelinewa.gov>
Sent: Thursday, June 23, 2022 6:33 PM
To: John Norris <jnorris@shorelinewa.gov>
Cc: Pollie McCloskey <pmccloskey@shorelinewa.gov>
Subject: MUR-70--10% Tree Retention.

Hello John--

Would you be kind to have Andrew assist with the following--

Hello Andrew,

I do understand that developments in the MUR-70' would be subject to the City's commercial and multifamily design standards in SMC 20.50.

I took some time to read more on the entire SMC 20.50, especially SMC 20.50.310

A. 5 " Removal of trees from property zoned NB, CB, MB and TC-1, 2 and 3, and MUR-70' unless within a critical area or critical area buffer."

I went through *Exceptions to Table 20.50.020(1) and Table 20.50.020(2)*: and saw the below as well.

(12) "Base height in the MUR-70' zone may be increased up to 80 feet when at least 10 percent of the significant trees on site are retained and up to 90 feet when at least 20 percent of the significant trees on site are retained."

My understanding is that, this ordinance won't affect anything currently under permit but possibly other projects moving forward, the future. If this is true, I think I'd be delighted to know the reason why we think MUR-70' should not have tree retention at all, apart from making reference to how the code is written, do you have any historical reference? I can't seem to find any information on it.

If we agree to have 10% tree retention in MUR-80', I am curious to know what the reason would be for no retention of trees in MUR-70'.

I am looking at it from two perspectives, if this is not going to get in the way of affordable housing and/or transportation, why not? Why can't we have the same 10% retention?.

Going over the meeting report for June 16th, I noticed the below and I am sorry to have missed it but it is something I really wanted to bring up.

Building Height and Development Agreement Process – SMC 20.30.297, 20.40.046, 20.50.020, and 20.30.355

The draft amendments would allow for buildings to achieve the maximum allowable height of 140 feet, subject to a neighborhood meeting, Administrative Design Review (ADR) approval, and additional development standards; whereas the current process to achieve the maximum allowable height requires a development agreement (Council decision).

While the maximum allowable height is unchanged, it is the process by which the maximum height may be achieved that is proposed to be changed. Table 3 below summarizes the current regulation and the proposed regulations.

Table 3 – Height and Development Agreement Amendments

Current Regulation	Proposed Draft Regulation
70' – base height ?	70' – base height ?
80' – 10% significant trees retained	80' – 10% significant trees retained
90' – 20% significant trees retained or Deep Green Incentive Program	90' – 20% significant trees retained or Deep Green Incentive Program
140' – Development Agreement required: <ul style="list-style-type: none"> • 20% units affordable at 60% AMI or 10% units affordable at 50% AMI • LEED Gold development 	140' – subject to a neighborhood meeting and ADR review and the following: <ul style="list-style-type: none"> • 20% units affordable at 60% AMI or 10% units affordable at 50% AMI

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