

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact:	CBO Contact:
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** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to tree protections; modifying regulations to increase retention of trees on lots undergoing development; and amending Sections 25.11.060, 25.11.070, and 25.11.130 of the Seattle Municipal Code.

Summary and Background of the Legislation: In May 2023, the Council passed Ordinance 126821 that updated the City’s regulations for trees location on private property (Seattle Municipal Code Chapter 25.11). These regulations went into effect on July 30, 2023. This proposed legislation would add new provisions regarding trees on archaeological sites and off-street parking, and amend certain provisions related to the basic tree protection area (TPA). These modifications are intended to promote retention of Tier 2 trees and ensure that the City is following State requirements related to trees on archaeological sites for lots undergoing development in Neighborhood Residential zones.

The basic TPA is the area surrounding a tree in which excavation and other construction-related activities cannot occur, unless approved by the Seattle Department of Construction and Inspections (SDCI) Director. In cases where the basic TPA substantially impacts development capacity and/or construction activity cannot avoid encroaching into the TPA, SDCI will permit removal of the tree.

Specifically, the legislation would:

- Define a “culturally modified tree” as “a tree that has been determined by the Washington State Department of Archaeology and Historic Preservation to be an archaeological site or part of an archaeological site subject to requirements of chapter 27.53 RCW.”
- Require that SDCI (1) notify DAHP when an applicant is seeking to remove a Tier 2 or Tier 3 tree from a lot for development in Neighborhood Residential zones; and (2) receive confirmation from DAHP whether the tree is an archaeological site or part of an archaeological site.
 - If DAHP confirms the tree is not part of an archaeological site, SDCI may approve removal of the tree.
 - If DAHP confirms the tree is part of an archaeological site and the applicant want to proceed with removing the tree, the applicant is responsible for obtaining permission from DAHP to remove the tree before SDCI may approve removal of the tree.
- Prohibit the removal of Tier 2 trees for off-street parking on lots undergoing development in Neighborhood Residential zones. If off-street parking required per

Title 23 (Land Use Code) would result in the removal of a Tier 2 tree, SDCI will waive the requirement.

- Change the definition of “basic tree protection area” to the add the option of using the area beneath “the drip line of a tree, which may be irregular in shape to reflect variation in branch outer limits.” This would align with SDCI’s practice prior to the enactment of Ordinance 126821. Ordinance 126821 requires use of the trunk diameter method for delineating the basic TPA; however, this method generally creates an area that is overly large, which may result in the removal of more Tier 2 trees than is necessary to accommodate new development. SDCI would be expected to use the method that would result in the most retention of trees during development.
- Allow reduction of the basic TPA by no more than is permitted per subsection 25.11.060.A.4 for lots undergoing development in Neighborhood Residential zones. Reducing the size of a basic tree protection area increases the likelihood that a Tier 2 tree can be retained during development.

The proposed changes to the basic TPA definition and flexibility to reduce the basic TPA were analyzed as part of the Determination of Nonsignificance for Ordinance 126821. State Environmental Policy Act (SEPA) review of parking impacts are no longer required as of January 20, 2023, and the proposed changes related to culturally modified trees are procedural requirements categorically exempt from SEPA review. Thus, no additional environmental review is needed for this proposal.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ___ Yes X No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ___ Yes X No

Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

Adding a requirement that SDCI first confirm with DAHP prior to approving removal of any Tier 2 or Tier 3 trees on lots undergoing development in Neighborhood Residential zones will likely increase staff workload and permit processing times. SDCI may need additional positions to support implementation of this requirement. These positions could potentially be funded by permit fee revenues, and thus would not impact the General Fund.

Are there financial costs or other impacts of *not* implementing the legislation?

No.

4. OTHER IMPLICATIONS

- a. Does this legislation affect any departments besides the originating department?**
SDCI would be responsible for administering the proposed changes. This could also potentially increase the workload at DAHP, which would need to confirm whether any Tier 2 or Tier 3 tree is part of an archaeological site before SDCI could approve its removal.
- b. Is a public hearing required for this legislation?**
No.
- c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**
No.
- d. Does this legislation affect a piece of property?**
No.
- e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**
Seattle’s Environmental Justice (EJ) priority areas generally have lower tree canopy cover than the citywide average. The 2021 City of Seattle Tree Canopy Assessment found that areas of the city with lower tree canopy cover experience higher ambient temperatures during the summer than those with high canopy cover. The proposed legislation could result in retention of more Tier 2 trees on lots undergoing development in Neighborhood Residential zones, which would help to maintain tree canopy cover in EJ priority areas. Adding procedural requirements related to trees that are part of an archaeological site would help ensure that Tribal rights are respected in regard to such trees.
- f. Climate Change Implications**
- 1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?**
No.
- 2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle’s resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**
The proposal is intended to increase the retention of Tier 2 trees on lots undergoing development, including prohibiting the removal of such trees for off-street parking. In addition to other environmental benefits, large trees provide shade and thus mitigate the impacts of hotter summer temperatures, which are anticipated to increase due to climate change.

- g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)?**

Not applicable.

Summary Attachments (if any):

None.