

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

**AGENDA TITLE:** Planning Commission 2009 Planning Work Program – Tree Preservation and Removal Code  
**DEPARTMENT:** Planning and Development Services  
**PRESENTED BY:** Joseph W. Tovar, FAICP, Director  
Paul Cohen, Senior Planner, Project Manager

**PROBLEM/ISSUE STATEMENT:**

On January 5, 2009, the City Council reviewed a draft Planning Commission Work Program for 2009. Item 3(c) on that proposed Work Program was titled “amendments to development regulations for trees.” The Council determined it was appropriate to keep this Item on the Planning Commission’s Work Program for 2009, and asked the staff to return on February 9 for a more detailed discussion of what specific issues to include in the scope of the proposed amendments to the tree regulations. Staff will review 10 “decision modules” with Council and ask which ones Council wishes to be included in the scope. Depending on how many and which of the modules the Council selects, the staff will adjust the schedule accordingly.

**FINANCIAL IMPACT:**

The 2009 budget included funding for staff work on this item.

**RECOMMENDATION:**

Staff recommends that the Council discuss the nature and urgency of problems to be addressed by potential amendments to the City’s development regulations for tree preservation and provide direction to staff about the desired scope by identifying which of the listed “Decision Modules” should be included.

Approved By: City Manager  City Attorney \_\_\_\_\_

## INTRODUCTION

The City Council has discussed the question of the City's existing tree regulations several times in recent years. In 2005, the Council adopted amendments to the provisions for hazardous tree removal, but did not take action on the concept of vegetation management plans for large private holdings. Periodically, the Council hears from neighbors of short plat projects who argue that the City's tree preservation regulations for short plats are inadequate.

In spring of 2008, the Council adopted an Environmental Sustainability Strategy, one part of which was a focus to identify a baseline of the City's tree canopy and urban forest, adopting a desired future target and monitoring over time. To pursue this strategy, the City would look not only at City-owned properties and rights-of-way, but all publicly owned property in Shoreline (e.g., School District, State, and County-owned parcels). Most of the City is privately owned, however, the primary focus for tree canopy protection in these areas is through the City's development regulations.

At the February 9 meeting, the Council will be asked to provide staff direction about the scope of work program for the Planning Commission to consider prior to developing a recommendation.

## BACKGROUND

### A. Policy Background

The City has substantial adopted policies directing the preservation of trees in Shoreline. The below cited goals, policies, and strategies call for tree and natural environment protection while allowing development.

#### Comprehensive Plan

- FG2: Promote development that is compatible with the surrounding environment.
- FG5: Protect the natural environment.
- Goal LU XV: Protect, enhance, restore habitat balanced with property owner rights to develop.
- LU10: Design and site development in accordance with the natural environment.
- Vegetation Protection LU107-113
- CD22: Encourage the Pacific Northwest environmental character
- CD23: Preserve significant trees and mature vegetation.
- CD53: Preserve the natural character by minimizing the removal of vegetation and mature trees.

#### Environmental Sustainability Strategy

- Guiding Principles #7 – Address impacts on forest health and #8 – Proactive management of ecosystem
- Strategic Direction #10 - Forest canopy enhancement efforts
- Objective #21 – Prevent tree canopy loss & Increase forest health city-wide

- Recommendations #49 – Prioritize forest health data collection and improvement projects
- Appendix FI-34 - Measure and reduce the rate of tree canopy loss due to development

**B. Ten potential “Decision-Modules” to include in the scope of amendments to development regulations dealing with trees (SMC 20.50.290 through .370)**

Depending on how the Council defines the nature and the urgency of the problems to be addressed through the City’s tree regulations, staff will craft appropriate amendatory language for review at a public hearing by the Planning Commission. To determine this scope, the Council should review the ten potential “decision modules” listed below and discuss which are important to include within the scope of the pending amendments.

**DM-1** Establish a baseline urban forest canopy city wide. This baseline would provide the context for the Council to make a policy decision, most likely in 2010, about a long-range City target for desired tree canopy. The target could be no-net loss of a city-wide percentage of canopy, or an increase or decrease of some magnitude, keyed to specific schedules. With such a baseline and target in place, the City could then monitor the overall City canopy, say every 5 years, to assess its health and identify any further programs or code amendments as needed.

**DM-2** Reorganize SMC 20.50.290 to separate clearing and grading provisions into a different subsection because the intent, purpose, exemptions, and regulations are different. Clearing and grading regulations will need to be modified to be consistent with the newly adopted storm and surface water manual.

**DM-3** Change the provision in SMC 20.50.310.B.1 that allows the removal of 6 significant trees every 36 months without permit. This is potentially a huge hole in our city-wide tree canopy because we don’t regulate or monitor this provision. Theoretically, if we have 16,000 single family lots then as much as 32,000 significant trees can be removed per year without review or monitoring. People sometimes cut trees that they think are not in a critical area and therefore do not notify the City

**DM-4** Amend SMC 20.50.310.A to establish clear criteria and thresholds when a tree is hazardous that is reviewed by a City third party arborist. Add requirements for replacement trees when hazardous trees are removed. Currently, property owners use their own arborists to determine a hazardous tree without thresholds to determine when it is hazardous. If the City doesn’t agree with the assessment then we can require a third party assessment. This costs the property owner twice and prolongs a basic decision. Requiring the use of a City’s arborist makes the assessment more objective and less costly for everyone.

**DM-5** Amend SMC 20.50.360 to allow for reasonable tree replacement ratios and the possibility to replace trees on other land within the City. Most development sites do not have the room to plant all the replacement trees. These replacement trees are easily cut down after the 3 year protection period because they are not defined as significant trees.

**DM-6** Amend SMC 20.50.350.B.2 to remove code provisions for 30% preservation of significant trees if a critical area is on site because trees in critical area trees are already protected under the Critical Area provisions of SMC 20.80. A relatively small critical area could trigger 30% preservation on the entire site when the intent is to preserve the critical area and its trees. The change would keep the base significant trees preserved as well as all trees in the critical areas.

**DM-7** Amend SMC 20.50.350.B.1 to remove and replace the flat code provision for 20% preservation of significant trees. The existing rule is inequitable because, for example, a site that is covered with 100 trees would have to retain 20 trees, while a small site with only 5 trees would only have to save one. We could devise a more equitable system that requires tree preservation based at least partially on lot size.

**DM-8** Reorganize and clarify code provisions SMC 20.50.350.B-D that give the Director flexible criteria to require less or more trees to be preserved so that site design can be more compatible with the trees. The current code requires that all trees with the following qualities shall be preserved - in groves, above 50 feet in height, continuous canopy, skyline features, screen glare, habitat value, erosion control, adjacent to parks and open space, and cottonwoods. In general, these are good qualities but if all these requirements are applied inflexibly, the result would excessively preclude development on many lots.

**DM-9** Amend SMC 20.30.770(D) to provide greater clarity and specificity for violations of the tree code. Currently, code enforcement has difficulty proving violation intent and therefore exacting penalties.

**DM-10** Review the provisions of SMC 20.80, the City's critical areas regulations, to respond to a proposal by the Innis Arden Club to allow vegetation management plans (VMP) within environmentally critical areas.

By May staff will have a better time and cost estimation for this module. Modules 2 through 9 could be reasonably drafted and presented to the Planning Commission by May of 2009. Module DM-1 can be researched and methods to conduct a city-wide survey identified by then, however, to actually conducted such a survey could take many months, even years, depending on methodology, detail and costs.

### **RECOMMENDATION**

Staff recommends that the Council discuss the nature and urgency of problems to be addressed by potential amendments to the City's development regulations for tree preservation and provide direction to staff about the desired scope by identifying which of the listed "Decision Modules" should be included.