CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Discussion of Tree Code Scope of Work and Other Actions to Address Tree Canopy
DEPARTMENT:	Planning & Development Services
PRESENTED BY:	Joseph W. Tovar, FAICP, Director
	Paul Cohen, Senior Planner

PROBLEM/ISSUE STATEMENT:

The purpose of this study session item is to provide the Council with the opportunity to discuss the City's long-term tree canopy goal, alternative ways to achieve the goal, and, with that context in mind, provide direction to the staff and Planning Commission about potential revisions to the scope of the tree code amendments that have been in process for almost two years.

In early 2009, the City Council directed the Planning Commission and staff to prepare updated development regulations for trees.

The scope was described in nine decision modules (see Attachment A).

Up until October 2010, staff and the Planning Commission had studied various draft amendments to address the scope expressed in these nine decision modules.

Over six study meetings, the Planning Commission discussed and struggled with a consensus about what language to pursue.

During the "public comment" part of these study meeting agendas, the Commission heard from various stakeholders who expressed disagreement with different aspects of the approaches and language under consideration.

Meanwhile, per Decision Module #9, the staff secured a $10,000 grant from the Department of Natural Resources to prepare an Urban Tree Canopy (UTC) Assessment to establish a baseline of how much tree canopy the City now has.

The Council heard a presentation on the baseline Urban Tree Canopy (UTC) assessment on April 18, 2011. One of the central conclusions of the assessment was that the City has not lost significant tree canopy over the past two decades, remaining at approximately a 31% canopy.

With this assessment in mind, the staff would like the Council to consider what, if any, adjustments to make to the scope of the City's development regulations regarding tree retention and removal.

FINANCIAL IMPACT:
The UTC assessment identified in general terms the financial benefits provided by the City's urban tree canopy. The $10,000 for the consultant work creating the UTC Assessment has been expended. There are no additional financial implications for the City at this time.

<u>RECOMMENDATION</u>

Staff recommends that the Council adopt motions to direct the following staff actions:

1. Narrow the scope of the amendments to the City's tree regulations consistent with the Council's detailed discussion at the May 9 meeting.
2. Refer the question of the appropriate percentage for a citywide tree canopy goal to the update process for the Comprehensive Plan.
3. Return to the Council with a report on the process, costs and merits of becoming a "Tree City USA" and initiating a voluntary tree planting program in Shoreline's neighborhoods.

Approved By: City Manager _____ City Attorney _____

INTRODUCTION

Among the main reasons for undertaking amendments to the City's tree regulations were: (1) the perception that at the citywide scale, the City is losing tree canopy at a significant rate; (2) the ongoing debate at the project scale about the proper balance between retention of existing trees and the accommodation of new development; and (3) the fact that parts of the current regulations are unclear and cumbersome for staff to administer.

BACKGROUND

City Council was last updated on the tree code amendment process in May 2010. No decisions or direction were provided at that time as it was an information only presentation. On November 8, 2010 the City Council and Planning Commission jointly met to discuss the tree code (Attachment B).

The tree code update is one of the major objectives for 2010-2011 Council Goal 1:

> "Implement the adopted Community Vision by updating the Comprehensive Plan and key development regulations in partnership with residents, neighborhoods, and businesses."

Objective: "Adopt updated tree regulations, including citywide goals for urban forest canopy."

Current Code Purpose: "No net loss of tree cover throughout the City over time."

The results of the Urban Tree Canopy (UTC) assessment indicate that Shoreline has 31% tree canopy coverage as of July 2009. This is a slight increase in canopy from 1992, estimated at 30%, and essentially the same as in 2001, estimated at 31%. No discernable loss of citywide tree canopy has occurred over the past 17 years.

Overall, Shoreline has 56% vegetative cover comprised of grass, shrubs, and trees. Approximately 71% of the current tree canopy is located in the low density residential zones, an area that represents approximately two thirds of the total land area in the City. Approximately 46% of the City is impervious surface, which includes roads, parking lots and roofs.

The UTC Assessment report does provide insight into which areas of the City may provide the biggest opportunities to increase tree canopy. The land area with the greatest opportunity for new tree canopy is the land mass that is designated for single family neighborhoods.

The City's Sustainability Strategy adopted in 2009 listed 40% tree canopy citywide as a possible long-term goal. The source of that goal was a report prepared by an organization, *American Forests,* which was cited in the UTC Assessment. Whether the City wishes to adopt the 40% total tree canopy as our long-term goal is a major policy question for Council to consider. Depending on the answer to that policy

question, the Council may wish to consider what additional strategies or programs, apart from regulation, would be most effective in increasing the City's canopy.

The UTC Assessment states that to achieve a 40% canopy would require maintaining the existing tree canopy *and* adding approximately 46,000 trees at an average 30-foot crown diameter. Based on the City's 2003 Urban Forest Plan, the average planting cost per tree was $264 per tree. At that rate, planting 46,000 trees would cost over $12 million, plus the additional maintenance costs for those trees.

DISCUSSION

An Urban Tree Canopy goal combined with regular (5-10 year) assessment of the UTC is a common management tool to determine if programs, policies, and regulations are achieving the desired outcome. Shoreline's current tree regulations set a goal in the purpose statement of "No net loss of tree cover throughout the City over time." Based on the results of this UTC Assessment, the current regulations appear to be achieving this goal. The staff, therefore, suggests that at its May 9 meeting, the Council discuss the following issues.

- If greater tree canopy is a goal, perhaps the City should develop programs for public education and planting of trees. One symbolic way to initiate such a program would be to seek designation of Shoreline as a "Tree City USA". Shoreline already satisfies most of the criteria for such a designation, but would need to assign a "Tree Board" responsibility to, for example, our Parks Board. The City Manager's office has already begun evaluating the pros and cons of such an action.

- Because the park and other public spaces have a limited capacity for adding trees, the most likely candidate area for significant tree planting would be in the City's residential neighborhoods. The City could support volunteer tree planting programs, perhaps similar to the recent successes of the Backyard Wildlife Program. The City may be able to secure funding for such a program from the King Conservation District.

- Some have argued that the citywide tree canopy assessment is too broad a scale to address the actual rate of tree loss and does not differentiate between the relative value of different species and sizes of trees. Should the City strive for a more "fine-grain" inventory of the rate of tree loss and/or health by undertaking a more detailed inventory and/or require a permit for the cutting of any trees? This would have a budget impact for the City which would have to be evaluated before a decision to undertake more detailed inventory.

- The Planning Commission's work on the 9 "Decision Modules" has consumed a half dozen study meetings over the past two years and resulted in very little agreement among those members of the public who have regularly attended and commented on this subject. The appropriate degree and type of regulation continues to be a contentious issue.

- One of the major premises of the prior Council direction seemed to be that the City is experiencing a rapid loss of urban tree canopy, a premise that the UTC Report appears to dispel. In view of this conclusion, the staff believes that it is appropriate to revisit the scope of the amendments that the City should consider to the tree regulations, specifically narrowing the scope to the following five areas:

1. <u>Modify the exemption for 6 significant trees removal in a 3 year period.</u> Currently, the City doesn't require tracking of these exempt trees. To remove this exemption would mean the City would require approval of all significant trees – even if the request is for one tree. The problem hasn't been the excessive use of this provision but the lack of ability to track the tree removal so that we can monitor the 3 year cycle limit. Requiring a Tree Evaluation and Permit Exemption form for the removal of any significant tree will make this provision more enforceable and better to monitor the rate of tree removal.

2. <u>Remove non-active or non-imminent, hazardous trees as a category of the code because they would be part of tree removal.</u> Non-active or non-imminent hazardous trees could be applied to the many, perhaps majority of, trees that are not perfect specimens. This recommendation removes the professional opinion of a tree's potential health or hazardousness. It also allows the City to gain permit revenues for processing tree removal in excess of the 6 trees per 3 year provision.

3. <u>Allow active or imminent, hazardous trees to be removed quickly first with documentation and then require a tree removal permit after.</u> The intent is quickly remove hazards followed by a permit for the city to track changes.

4. <u>Remove the provision that does not allow tree removal without a development proposal.</u> We currently allow developed properties (with no future proposals) to remove trees. Current code language defines "development" as any permitted activity including land clearing, which includes tree removal.

5. <u>Allow the Director the option for tree maintenance bonds based on the scope of the project.</u> Maintenance bonds for small tree replacement are burdensome to homeowners in contrast with large, redevelopment projects.

RECOMMENDATION

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3. Return to the Council with a report on the process, costs and merits of becoming a "Tree City USA" and initiating a voluntary tree planting program in Shoreline's neighborhoods.

ATTACHMENTS

Attachment A   2009 Decision Modules
Attachment B   11-8-10 Joint Meeting Minutes

Attachment A

Nine "Decision-Modules" to include in the scope of amendments to development regulations dealing with trees (SMC 20.50.290 through .370).

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.

CITY OF SHORELINE

SHORELINE CITY COUNCIL
SUMMARY MINUTES OF WORKSHOP DINNER MEETING

Monday, November 8, 2010   Conference Room C-301 - Shoreline City Hall
5:45 p.m.   17500 Midvale Avenue N.

PRESENT: Mayor Keith McGlashan, Deputy Mayor Will Hall, and Councilmembers
                        Chris Eggen, Doris McConnell, Chris Roberts, Terry Scott, and Shari
                        Winstead

ABSENT: none

STAFF: Bob Olander, City Manager; Julie Underwood, Assistant City Manager;
                        Joe Tovar, Planning & Development Services Director; Steve Cohn,
                        Senior Planner; Scott Passey, City Clerk

GUESTS: Shoreline Planning Commissioners: Michele Linders Wagner, Chair; Ben
                        Perkowski, Vice Chair; Janne Kaje; Donna Moss; Cynthia Esselman; John
                        Behrens (Planning Commissioner Michael Broili was absent)

At 5:54 p.m. the meeting was called to order by Mayor McGlashan, who presided. There
were introductions around the table.

Mr. Tovar and Mr. Cohn provided handouts of the Planning Commission Work Program
and explained the preliminary thinking as it relates to the Comprehensive Plan Update.
Mr. Tovar outlined the progress on Task 1, Aldercrest Study and Zoning Implementation,
noting Councilmember Eggen's participation on the Aldercrest Task Force.
Councilmember Eggen noted that a similar process is being used for the Cedarbrook site
and wondered if it could be included in the Work Program in January 2011. Mr. Tovar
noted that it would have to be considered very soon to keep the timeline. Mr. Olander
elaborated on the process for putting items on the Work Program.

Mr. Cohn discussed the progress-to-date on Tasks 2, 3, and 4 – Development Code
Amendments, Design Review, and Code Amendments. He described the considerable
efforts undertaken on the Southeast Neighborhood Plan and the tree regulations.

Councilmember Eggen pointed out that Lake Forest Park is working on a transit-oriented
development (TOD) design overlay on Lake City Way, which may present an
opportunity for a partnership.

Mayor McGlashan inquired about the City of Seattle's process for developing new tree regulations and if there is anything Shoreline can learn from their process. Mr. Cohn responded that Seattle has been working on them for a long time, and each city approaches the issue of trees differently.

Deputy Mayor Hall wondered if the Innis Arden litigation presents any problems for developing tree regulations in the City. Mr. Tovar replied that the Planning Commission's work would not have a direct bearing on the Innis Arden legal issue.

Commissioner Behrens noted the ongoing difficulty of reconciling the different approaches to trees taken by the Planning Commission, Planning & Development Services, and Public Works. He wondered if the Council could provide direction on an overall policy that could govern all three.

Councilmember Roberts asked about the likelihood of the Planning Commission reaching a consensus on the tree code within the Work Program timeframe. Mr. Tovar said he was not sure if the Commission will need more time. Chair Wagner commented that citizens are passionate about this issue, adding that it is difficult to apply broad policies to every situation.

A brief discussion followed about best practices, the difficulty of balancing multiple values, and the fact that cities are doing different things based on their adopted values. Councilmember Scott asked if there are any common themes or best practices among cities in the nation. Mr. Tovar responded that although there are some common themes, he would hesitate to call them "best practices." He said the City of Shoreline's tree inventory does not provide enough information to define exactly what the problem is.

Deputy Mayor Hall asked if there is evidence that the City is losing tree canopy at an unacceptable rate, to which Mr. Tovar responded in the negative. Councilmember Eggen pointed out that software programs can be used to make a quantitative analysis of the tree canopy. However, if the tree canopy was not good 10 years ago, the change is not as important as improving the quality of the canopy itself.

There was discussion about whether the City Council should deliberate on the tree issue and provide more direction to the Commission. Chair Wagner concurred with this idea because the value judgments should be reviewed and assessed by the policy makers. Mr. Tovar noted that preserving neighborhood character and allowing infill development were two conflicting values identified early in the process, so perhaps the Council should wrestle with those concepts first. He also noted that determining the acceptable amount of total tree canopy is a subjective process.

Commissioner Behrens felt it would be impossible to provide a recommendation to the Council until the Commission knows what it is trying to accomplish and how comprehensive to make the regulations. Councilmember Scott noted that trees are a "hot button" issue for the community, and there is not enough scientific evidence yet we need clear expectations. He felt the Commission should do the analysis and provide a

recommendation to the Council. Mr. Olander suggested that perhaps the Council could draw some boundaries on what is an appropriate balance between tree preservation and infill development. Councilmember Eggen noted that the Council must set goals for the tree ordinance, but it cannot wrestle with the details because it doesn't have the expertise.

Deputy Mayor Hall felt that given the current struggle with the tree code, it may be wise to make small changes as opposed to comprehensive changes. He pointed out that sometimes the status quo is better than having a divided community, referring to cottage housing as an example of a policy that divided the City. He referred to Aldercrest to illustrate the fact that there was broad agreement that people wanted more parks in the northeast corner of the City.

Chair Wagner then commented on Work Program Task 4.2, noting that rezones and the SEPA appeal process has become a "can of worms" and the Commission would like clear direction from the Council. She said the Commission recommendation is to permanently transfer rezones to the Hearing Examiner.

Mr. Tovar discussed Task 5, Light Rail Alignment Planning. He noted that while there is no agreement on any particular alignment, the modeling shows the I-5 alignment to be five minutes faster than the Aurora Corridor alignment from Northgate to Everett. He noted that all three alignments will be considered in the environmental review process. Deputy Mayor Hall commented that getting light rail in Shoreline is a bigger priority to him than getting something less, such as expanded bus service.

Mr. Cohn discussed Task 6 and commented on the progress of the Transportation Master Plan Update, Shoreline Master Program, Parks Master Plan Update, and Comprehensive Plan amendment docket.

Mr. Tovar commented on the progress of Task 7, Point Wells, noting that this should be discussed in an Executive Session before November 18 because it is subject to the Growth Management Hearings Board. He also covered Task 8, Town Center, and outlined the community outreach effort, hearings, and Planned Action/EIS.

Mr. Cohn discussed the progress-to-date on Task 9, SE Neighborhoods Plan and Zoning Update and alluded to some new zoning categories that may come as a recommendation from staff. Deputy Mayor Hall noted his aversion to creating detailed zones, which tend to make the code more complex and discourage development. He pointed out that other areas such as Redmond and Eastgate have seen substantial development and revenues, even during the economic recession. He felt this was partly due to simpler development codes.

Councilmember Roberts asked if there was any particular urgency in completing the SE Subarea Plan quickly. Mr. Cohn responded that there is urgency in getting it done because some development could be waiting for the new regulations. He noted that some of the recommended tools could work and help simplify the code. He noted that although

some of the principles could be applied to other areas, this is primarily a focus on the SE Neighborhoods.

Mr. Tovar reviewed the progress on the Comprehensive Plan Update. Mr. Cohn touched on Work Task items 14.2a, 14.2b, and 14.2c. Mr. Tovar noted that staff and the Commission are looking for Council to provide the "big-picture" principles for the Comprehensive Plan Update up front. He commented that the Vision Statement already provides many of the guiding principles.

Councilmember Eggen said it is not at all clear to him that a simple code will encourage development, especially if it results in less development options. He felt the Council should schedule a future Study Session to discuss how zoning affects development.

Councilmember Roberts asked whether a new City Manager will affect the Work Program. Mr. Olander responded that since the vision and principles have already been established by Council goals and policies, a new City Manager will simply implement those policies.

Councilmember Scott pointed out that in order to have development like Redmond or Eastgate, the City needs some sort of linchpin of industry to attract other businesses.

The meeting adjourned at 6:53 p.m.

Scott Passey, City Clerk