



Memorandum

DATE: July 9, 2009

TO: Shoreline Planning Commission

FROM: Joseph W. Tovar, FAICP, Director of Planning and Development Services
Paul Cohen, Senior Planner
Brian Lee, Associate Planner

RE: Tree Code Amendments – Proposed Purpose and Retention/Replacement Sections

At your May 21st meeting, staff was to facilitate a discussion of the purpose section of the tree code. To provide some context for the discussion, related development code sections of dimensional standards, landscaping, and critical areas (Attachment A) were to be presented as well. Due to time constraints, the discussion was postponed to a later date. Staff is returning to you on July 9 to present a modified purpose section and a different approach to the core requirements of retention and replacement.

Purpose Section Proposal

Background - The tree code purpose section has no conflicts with the dimensional standards, landscape, or critical area purpose sections. The landscape section mirrors and mostly supports the tree code purpose section. Internally, the tree code purpose section is a mix of clearing and grading language and tree and vegetative cover language. These different topics need to be separated under a later proposal for clearing and grading requirements later in the process. The remaining tree purposes (Attachment A under items D, H, I, J, and L) can be reduced into a few statements that list the attributes of tree and vegetative cover and the need for flexibility to accommodate site design constraints. Staff proposes the following revised purpose section.

Proposal –

1. “Preserve and restore trees and vegetative cover to:
 - promote the city’s treed identity and screening between development,
 - improve rain water absorption and erosion control,

- provide wind protection and mitigate air pollution,
- provide plant diversity and wildlife habitat, and
- strive for a no-net-loss of tree canopy and vegetative cover city-wide”.

2. “Provide flexibility to allow development, solar access, and greater tree protection.”

Tree Retention and Replacement Proposal

Background - The goals of these code amendments are to close gaps in tree removal, better understand the status of trees, and build confidence that the City is providing the best protection and enhancement of our trees through flexibility and clarity. At this stage the proposal is based on single family zoned areas because it is the great majority of our city land area and acts as a test case in which to gauge other land uses. Keep in mind that our sample survey of tree canopy coverage in single family zones is approximately 34%.

A key change to get closer to these goals is to repeal the exemption for removal of the 6 significant trees in 3 years and provide accountability for tree removal and include them in a site’s assessment for tree protection. Another change is to reduce the significant tree size from 8 inches and 12 inches to 4 inches. A 4-inch tree can be about 20 feet in height and would be essential to the growth of a secondary canopy. These changes are integral to the proposed tree retention and replacement code below.

Staff recommends viewing tree protection as a part of the environmental benefit of general vegetative cover. This concept gives the City flexibility to allow for solar access and reduces conflicts between tree retention and construction activity and structures.

Staff recommends the use of a tree credit method of retention and replacement. Currently, the City has a 20% retention requirement regardless of tree size. The proposed “tree credit method” (below) would base a tree’s value on its diameter rather than whether it meets the definition of “significant tree” alone.

Three main benefits of this method are;

1. A property’s credit requirement can be assigned to a few larger trees which promotes retention of large trees,
2. It would provide greater equity between sites with a few trees and sites heavily forested, and
3. It establishes a base line from which all subsequent site activity is measured.

We recommend a base requirement for single family zones that apply for construction or tree removal activity. Staff analyzed various scenarios based on a proposal from a citizen’s group and Kirkland’s code, both of which would require maintaining a minimum of 35 credits per acre. In addition, staff analyzed the scenarios that would occur based on a standard that would require a minimum of 90 credits per acre. Staff found that 35 credits were substandard to our goal of no-net-loss and 90 credits were too burdensome and inflexible on sample sites. From these sample scenarios, staff developed the following proposal:

Agenda Item 7.a

Proposal -

- Require 60 tree credits per acre or 10 credits for a typical 7,200 square foot lot. Ten credits could be met in several ways, ranging from saving 20 10-inch trees to saving one 47 inch tree on a 7,200 square foot lot. (The chart and diagrams that explains this method will be presented at the July 9 meeting.)
- Significant tree trunks that are within 10 feet of the building foot print could be retained but not included in the credit requirement because of the likely root damage from construction activity.
- All removed trees will have replacement trees associated with them. Two replacement trees would be required for every tree credit not met by the site.
- If a site has enough trees to meet the minimum 60 credits per acre then no replacement trees are required on site. If a site doesn't have enough trees to meet the credits then they must plant enough replacement trees to meet the credits on site.
- Excess replacement trees can either be planted on site or their value placed in a forestry account. This account is like a fee-in-lieu account where monies can be used for City tree planting programs or forest management programs. The fees are to be determined.
- Replacement trees are proposed to have a minimum of 2-inch caliper and maintenance increased to 5 years to increase survivability and likelihood that it will become significant (4 inches) by the end of the maintenance period.
- Future tree removal is allowed by permit if the site retains 60 tree credits per acre. 60 credits an acre is the baseline at anytime. Previous replacement trees are protected under a 5-year maintenance bond. After 5 years the trees can be cut as a part of the site's tree credit requirement.
- Based on the requirements for retention, replacement, and the forestry account no-net-loss may be possible over time.
- A city survey of tree canopy every 5 years will indicate whether no-net-loss is achievable. The City can adjust the code requirements accordingly.

Staff acknowledges that there are several side issues to be resolved. These include:

- Cost and time of administrating potentially many, small, tree maintenance bonds.
- Requirements for land uses with smaller pervious surface requirements and potential vegetative cover.
- Inclusion of retained, 2-inch trees with the replaced, 2-inch requirement.

Our plan is to resolve the purpose and replacement and retention sections of the code first. Once direction is given by the Commission on these two sections, staff will address other sections including hazardous trees, code enforcement, site design, exceptions, landmark, and clearing and grading sections of the tree code will follow. Prior to the

Agenda Item 7.a

commission's public hearing and recommendations we will analyze the draft as a whole. At your July 9th meeting, Paul Cohen will discuss and explain the purpose and retention and replacement sections code sections in more detail. If you have any questions prior to the meeting, contact Paul at (206) 801 2551 or at pcohen@shorelinewa.gov.

Attachment

A: Purpose sections for Clearing and Grading and Tree Code, Landscape Code, and Critical Area Code

Attachment A

Clearing, Grading, and Trees Code

20.50.290 Purpose.

The purpose of this subchapter is to reduce the environmental impacts of site development while promoting the reasonable use of land in the City by addressing the following:

- A. Prevention of damage to property, harm to persons, and environmental impacts caused by excavations, fills, and the destabilization of soils;
- B. Protection of water quality from the adverse impacts associated with erosion and sedimentation;
- C. Promotion of building and site planning practices that are consistent with the City's natural topography and vegetative cover;
- D. Preservation and enhancement of trees and vegetation which contribute to the visual quality and economic value of development in the City and provide continuity and screening between developments;
- E. Protection of critical areas from the impacts of clearing and grading activities;
- F. Conservation and restoration of trees and vegetative cover to reduce flooding, the impacts on existing drainageways, and the need for additional stormwater management facilities;
- G. Protection of anadromous fish and other native animal and plant species through performance-based regulation of clearing and grading;
- H. Retention of tree clusters for the abatement of noise, wind protection, and mitigation of air pollution;
- I. Rewarding significant tree protection efforts by granting flexibility for certain other development requirements;
- J. Providing measures to protect trees that may be impacted during construction;
- K. Promotion of prompt development, effective erosion control, and restoration of property following site development; and
- L. Replacement of trees removed during site development in order to achieve a goal of no net loss of tree cover throughout the City over time. (Ord. 398 § 1, 2006; Ord. 238 Ch. V § 5(A), 2000).

Landscape Code

20.50.450 Purpose.

The purposes of this subchapter are:

- A. To enhance the visual continuity within and between neighborhoods.
- B. To establish at least an urban tree canopy through landscaping and street trees.
- C. To screen areas of low visual interests and buffer potentially incompatible developments.
- D. To compliment the site and building design with landscaping. (Ord. 238 Ch. V § 7(A), 2000).

Critical Areas Code

20.80.010 Purpose.

- A. The purpose of this chapter is to establish supplemental standards for the protection of critical areas in compliance with the provisions of the Washington Growth Management Act of 1990 (Chapter 36.70A RCW) and consistent with the goals and policies of the Shoreline Comprehensive Plan in accordance with the procedures of Chapter [20.30](#) SMC.
- B. By identifying and regulating development and alterations to critical areas and their buffers, it is the intent of this chapter to:
 - 1. Protect the public from injury, loss of life, property damage or financial losses due to flooding, erosion, landslide, seismic events, soils subsidence or steep slope failure;
 - 2. Protect unique, fragile and valuable elements of the environment;
 - 3. Reduce cumulative adverse environmental impacts to water quality, wetlands, streams and other aquatic resources, fish and wildlife habitat, steep slopes and geologically unstable features;
 - 4. Meet the requirements of the National Flood Insurance Program and maintain the City of Shoreline as an eligible community for Federal flood insurance benefits;
 - 5. Ensure the long-term protection of ground and surface water quality;
 - 6. Alert members of the public, including appraisers, assessors, owners, potential buyers, or lessees, to the development limitations of critical areas and their required buffers;
 - 7. Serve as a basis for exercise of the City's substantive authority under the State Environmental Policy Act (SEPA) and the City's Environmental Procedures (Chapter [20.30](#) SMC, Subchapter 8); and comply with the requirements of the Growth Management Act (Chapter 36.70A RCW) and its implementing rules;

Item 7.a - Attachment A

8. Establish standards and procedures that are intended to protect environmentally critical areas while accommodating the rights of property owners to use their property in a reasonable manner; and
9. Provide for the management of critical areas to maintain their functions and values and to restore degraded ecosystems. (Ord. 398 § 1, 2006; Ord. 324 § 1, 2003; Ord. 238 Ch. VIII § 1(A), 2000).