

August 14, 2015

TO: Commissioner Amanda Fritz
Commissioner Dan Saltzman
FROM: Tree Project Oversight Advisory Committee
RE: Recommendation on improving preservation of exceptional trees during development

Recently, a building permit application was submitted to the Bureau of Development Services (BDS) for a new single dwelling property in the Eastmoreland Neighborhood. Among other things, the applicant proposed to remove 3 large sequoias on the site and pay the in lieu mitigation fee. Those three trees averaged almost 90 inches in size. Commissioner Amanda Fritz asked the Tree Project Oversight Advisory Committee (“the Committee”) to consider means by which the frequency of the removal of such large trees in development situations could be reduced. This memorandum summarizes the recommendation of the Committee. The Committee identified a number of tools that can be utilized to reduce the frequency of the removal of exceptional trees in development situations. Attached you will find a memorandum that was shared with the Committee on the potential tools (the creation of tracts and the use of conservation easements were also added to the list during the Committee discussion). You will also find attached the results of a survey that was sent to the Committee. The results reflect the comments of all respondents.

Comment #1. An additional tree size threshold should be established as a way of preserving large, healthy trees during development.

Title 11 current includes several thresholds including tree size. The majority of the Committee found that a new threshold should be adopted in order to address this situation. Additional comment:

- One Committee member said that the original committee (that worked on the code) spent a great deal of time creating existing thresholds. This Committee member also said that there were only two cases in the first months since implementation and that changing policy may be premature.

Recommendation:

Comment #2. Committee responses varied on where that threshold should be established.

A number of Committee members identified 20 inches as that threshold (50%), while others identified 30 inches (16.7%), 40 inches (33.3%) and one other Committee members stated that the threshold should be 35 inches. A graduated list of thresholds, set every 6 inches, was also identified as an option. Additional comments:

- Greater incentives necessary to save larger trees.
- Fees in lieu should follow a graduated schedule, tied to the size of the tree. See attached comments for possible thresholds.
- Need local data to determine what the threshold should be. Staff mentioned that 35-40 inches would be a good threshold.

- Consider developing a definition for “exceptional trees,” such as used in Seattle (<http://www.seattle.gov/dpcd/codes/dr/DR2008-16x.pdf>).
- Threshold can be established by species.
- Tree size is one of many factors in determining value of significant trees. Threshold should not be an arbitrary number.

Recommendation:

Comment #3: The Committee considered the various tools included in the memorandum (together with the two additional tools: creation of tree tracts and establishment of conservation easements) and found that the most effective tools (by percentage) would be flexible development options/incentives, establishment of a new threshold, requiring tree easements (conservation easements), higher fees in lieu of preservation and allowing for the modification of development standards (tied), and the establishment of new approval for tree removal. Some members were also in favor of establishing a removal delay, much like demolition delays to allow the consideration of options to removal of houses. Additional comments:

- Fees in lieu of preservation should be modified to better recapture losses based on the size of the tree, reward creativity, and update the \$300 per inch amount to 2015 dollars.

Recommendation: