



Snohomish County

Planning and Development Services

MEMORANDUM

TO: Snohomish County Planning Commission

FROM: Terri Strandberg, Principal Planner, and Hilary McGowan, Planner

SUBJECT: Urban Tree Canopy Subelement

DATE: June 12, 2023

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Dave Somers
County Executive

INTRODUCTION

The purpose of this staff report is to outline and provide information on staff recommended amendments to Snohomish County's GMA Comprehensive Plan to create an Urban Tree Canopy Subelement within the Natural Environment Element. A briefing on the recommended amendments will occur at the June 27, 2023, Planning Commission meeting.

BACKGROUND

The Urban Tree Canopy goal, objectives, and policies are proposed to be placed within the Natural Environment Element. The Natural Environment Element policies reflect compliance with state and federal laws that address environmental protection. While the Urban Tree Canopy subelement is not required, it is supported and shaped by state law and regulations and local regulations and policies that address the growing topic of urban tree canopy. Chapter 76.15 RCW, which concerns urban forest management and the Evergreen Communities program is a Washington law that provides a framework for many of the Urban Tree Canopy policies. Because tree canopy plays a significant role in environmental protection, the newly proposed Urban Tree Canopy goal is consistent with state requirements as well as with countywide planning policies (CPPs), and multicounty planning policies (MPPs) presented in the Puget Sound Regional Council's (PSRC) VISION 2050.

Trees and tree canopy are necessary for cultural, historic, and ecosystem services and are a significant part of life in the Pacific Northwest. Urban and community forests have many functions and values including providing aesthetic, cultural, and historical values, conserving energy, reducing air and water pollution and soil erosion, improving air quality, carbon sequestration, moderating temperature impacts from climate change, mitigating stormwater impacts, reducing noise and light pollution, supporting salmon populations, and many more ecological and social benefits. The Urban Tree Canopy subelement plays an important role within the Natural Environment Element, including policies that seek to preserve and enhance Snohomish County's climate and environment for all.

The Urban Tree Canopy subelement was drafted in response to a referral from the County Council via Motion No. 22-096 to the Department of Planning and Development Services (PDS) and Planning

Commission for consideration and recommendation during the 2024 Comprehensive Plan Update. The proposed goal, objectives, and policies have been amended from the original version transmitted with Motion No. 22-096 to reflect input from Snohomish County staff and public comment. One main difference in the policies transmitted in Motion No. 22-096 and the policies proposed to Planning Commission is the baseline urban canopy established as no net loss, versus setting a minimum canopy coverage goal for urban unincorporated areas of at least 38%. The 38% baseline tree canopy coverage percentage was determined by the most recent tree canopy coverage data provided by Snohomish County Surface Water Management (SWM).

In 2014, the Snohomish County Council passed Ordinance No. 14-073, relating to new regulations for tree canopy coverage. These regulations are located in chapter 30.25 of the Snohomish County Code (SCC). The SCC requires that new urban residential developments provide tree canopy, and that significant trees be retained in all Critical Area Protection Areas and in site landscaping buffers. The 2014 Ordinance stated that there was approximately 30% of urban tree canopy cover in public and private lands.

In 2020, the PDS GIS team updated the tree canopy analysis methodology by using data released by US Geologic Survey (USGS) from 2011, 2016, and National Oceanic and Atmospheric Administration (NOAA) data from 2015. The USGS total canopy percentages showed there was 24.82% canopy coverage in 2011 and 24.16% canopy coverage in 2015. The NOAA data established that there was 37.71% canopy coverage in 2015. Due to differences in data resolution, the USGS and NOAA datasets establish different baselines for canopy coverage from each other and from the 2014 Ordinance. The NOAA canopy coverage offered a more high-resolution land cover data and provided a more detailed look at the urban unincorporated tree canopy coverage in Snohomish County.

Most recently, Snohomish County SWM issued an analysis of tree canopy coverage in Snohomish County from 2019 through 2020 using NOAA data. This analysis reviewed the entire county unincorporated UGA and the unincorporated SWUGA. The analysis found that there was 38% canopy coverage in both the entire unincorporated UGA and unincorporated SWUGA in 2020. Improved imagery also provided a more detailed look at the canopy coverage. Out of the 38% total canopy coverage, 12% is from immature canopy, 9% was mature deciduous, and 17% represented mature evergreen canopy. The most current analysis of Snohomish County's unincorporated UGA is current analysis of existing tree canopy which formed the basis for policy 9.A.2 that creates a baseline canopy of 38%.

Washington State Evergreen Communities Act

The Washington State Legislature first provided guidance for local jurisdictions by adopting the Evergreen Communities Act (ECA) in 2008. In 2021, Washington State passed the Urban Forest Management Act, that modernized and supports the Evergreen Communities Act in chapter 76.15 RCW and its related programs. The ECA update and local public input were the impetuses for Motion No. 22-096. The ECA established the need for tools including canopy assessment, regional tree canopy analysis, and targeted technical assistance to support cities and counties seeking to deliver impactful urban forestry programs. The Urban Forest Management Act adds capacity to the Evergreen Communities Act by utilizing information and analysis around environmental health disparities, salmon recovery plans, and increasing capacity for the delivery of an urban forestry program in order to strengthen and enhance its impact and to expand participation to include federally recognized tribes and other community-based organizations. The Urban Forest Management Act provides additional support for

cities, towns, counties, and areas of tribal land to be designated as an Evergreen Community. The Evergreen Communities program recognizes an excellent urban forest management program.

The Evergreen Communities program, found in chapter 76.15 RCW, includes standards to provide for the conservation and long-term maintenance of the urban tree canopy via an urban forest management program. The Washington State Department of Natural Resources has an Urban and Community Forestry (UCF) Program. Funding allocated to the UCF program has allowed DNR to increase staff and to increase the amount of the UCF program's annual grant awards. These grants are available for cities and towns, counties, tribal governments, non-profit organizations, and educational institutions to improve the health of community forests and develop local urban forestry programs. At least 50 percent of the funding or assistance provided by the UCF program is required to be used to benefit vulnerable populations in or within a one-quarter mile of highly impacted communities.

As a part of chapter 76.15 RCW, ongoing and future work for DNR associated with the Evergreen Communities Act and the Urban and Community Forestry Act includes: completing a statewide inventory of urban and community forests; identifying priority regions for accelerated implementation of urban forestry tools and programs; and establishing and implementing criteria for awarding an Evergreen community designation. Through the original Evergreen Communities Act, the Washington State Department of Commerce provided A Guide to Community and Urban Forestry Programming, which seeks to assist jurisdictions across the state manage existing urban forests and plan for improvements. The Evergreen Community designation in RCW 76.15 will expand on the original Commerce guidance for establishing an Evergreen Community, through providing more resources, standards, and grant opportunities tailored for cities, counties, or tribal lands.

IMPLEMENTATION CONSIDERATIONS

Implementation of the proposed Urban Tree Canopy goal, objectives, and policies would require significant funding and likely a new interdepartmental work group that would need to include dedicated full-time staff from the Department of Public Works (DPW), the Department of Conservation of Natural Resources (DCNR), and the Department of Planning and Development Services (PDS).

County-owned properties that include urban tree canopy typically include parks, stormwater and habitat conservation parcels, and road right-of-way (ROW). Private landowners, agencies, and utility providers also steward land in the unincorporated area. Coordination between PDS, DCNR, and DPW would be needed to develop and implement the programs and plans included in these proposed policies.

This new work group would require a new public-facing and internal management program, and be tasked with:

- Developing the urban forestry program
- Developing and implementing an urban forest management program and plans
- Managing and maintaining the requirements of the program and plans
- Coordinating with other departments and outside jurisdictions

It is estimated that at least five to seven FTEs would be required for implementation of the Urban Tree Canopy subelement and creation of the new work group. Staff duties would include:

- Program management (2-3 FTE)

- Community outreach
- Coordination with developers and utilities
- Arborists and specialists on tree health and forests
- Program planners
- Maintenance and operations field staff (3-4 FTE)

To allocate sufficient funding for the program, the third requirement of the first of two graduated steps to achieving Evergreen Community designation is implementation of an urban forestry program with an annual budget of at least \$2 per capita on public tree care and the planning efforts to make care possible. For current population estimates from the 2020 census, this would require the county to devote \$728,790/year (\$2 x 364,395) for the urban unincorporated area. For 2044 population targets, this would require approximately \$1,476,365/year (\$2 x 461,364 + 3% inflation x 20 years). This funding could include salaries for the program, training, and educational materials, as well as capital costs, operation and maintenance budgets over time.

Full implementation of the Urban Tree Canopy subelement will also likely require new code and amendments to existing code. There are existing regulations within SCC that implement some of the Urban Tree Canopy policies. Ordinance No. 14-073 mandates through SCC 30.25.014 an annual urban tree canopy monitoring report that assesses the tree canopy regulations for unincorporated urban residential development in chapter 30.25 SCC. Permitting staff also perform regulatory review and require compliance with current code relating to landscaping and tree canopy for all newly proposed urban development.

PROPOSED COMPREHENSIVE PLAN AMENDMENTS

The Urban Tree Canopy goal, objectives, and policies are within the Natural Environment Element, which provides an organizational framework of goals, objectives, and policies addressing the variety of federal, state, and local requirements, and lays out a multifaceted approach outlining strategies for meeting these requirements. This approach relies on regulatory and nonregulatory programs. Additionally, a new Climate Change Element is proposed to be adopted in the 2024 Comprehensive Plan Update. Urban tree canopy is one method for mitigation and adaptation which supports the Natural Environment Element and the Climate Change Element, and helps to build the resiliency of Snohomish County's communities, economy, and environment by comprehensively addressing climate change.

ANALYSIS

The following analysis provides a summary of the proposed amendments' compliance with the state and with regional and countywide planning policies.

Compliance with State and Federal Laws

The proposed Urban Tree Canopy policy amendments to the Natural Environment Element are consistent with the state laws as outlined below.

Chapter 76.15 RCW Urban Forest Management

The proposed Urban Tree Canopy goals, objectives, and policies are consistent with the Urban Forest Management chapter of 76.15 RCW. The Urban Tree Canopy policies support participation in pursuing an Evergreen community designation, and the development of a plan and program to implement urban forestry management requirements for Snohomish County.

Growth Management Act (GMA) goal in RCW 36.70A.020:

(10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.¹

GMA and Shoreline Management Act (SMA) compliance

The proposed Urban Tree Canopy goals, objectives, and policies support environmental protection requirements in the GMA and the SMA. Environmental science documents the range of ecological functions performed by trees to support habitat, air and water quality, temperature moderation, microclimate creation, erosion and stormwater attenuation, and human physical and mental health. Preserving tree canopy is a vital component for meeting requirements in Washington Administrative Code (WAC) for the protection of critical areas and shorelines.

Compliance with the Multi-County Planning Policies (MPPs)

The proposed Urban Tree Canopy policy amendments to the Natural Environment Element are consistent with the MPPs.

MPP-En-4 Ensure that all residents of the region, regardless of race, social, or economic status, have clean air, clean water, and other elements of a healthy environment.

MPP-En-6 Use the best information available at all levels of planning, especially scientific information, when establishing and implementing environmental standards established by any level of government.

MPP-En-7 Reduce and mitigate noise and light pollution caused by transportation, industries, public facilities, and other sources.

MPP-En-9 Enhance urban tree canopy to support community resilience, mitigate urban heat, manage stormwater, conserve energy, improve mental and physical health, and strengthen economic prosperity.

MPP-En-10 Support and incentivize environmental stewardship on private and public lands to protect and enhance habitat, water quality, and other ecosystem services, including protection of watersheds and wellhead areas that are sources of the region's drinking water supplies.

MPP-En-13 Preserve and restore native vegetation and tree canopy, especially where it protects habitat and contributes to overall ecological function.

¹ As of July 23, 2023, RCW 36.70A.020(10) will read as follows: "Environment. Protect and enhance the environment and enhance the state's high quality of life, including air and water quality, and the availability of water."

MPP-En-16 Preserve and enhance habitat to support healthy wildlife and accelerate the recovery of salmon, orca, and other threatened and endangered species and species of local importance.

MPP-En-19 Reduce the use of toxic pesticides, fertilizers, and other products to the extent feasible and identify alternatives that minimize risks to human health and the environment.

MPP-CC-4 Protect and restore natural resources that sequester and store carbon such as forest, farmland, wetlands, estuaries, and urban tree canopy.

MPP-En-Action-1 Open Space Planning PSRC will work with member jurisdictions, resource agencies, tribes, military installations, and service branches, and interest groups to implement conservation, restoration, stewardship, and other recommendations in the Regional Open Space Conservation Plan. PSRC will review and comment on alignment with the Regional Open Space Conservation Plan during the comprehensive plan certification process. On a periodic basis, evaluate and update the plan.

MPP-En-Action-4 Local Open Space Planning In the next periodic update to the comprehensive plan, counties and cities will create goals and policies that address local open space conservation and access needs as identified in the Regional Open Space Conservation Plan, prioritizing areas with higher racial and social inequities and rural and resource land facing development pressure. Counties and cities should work together to develop a long-term funding strategy and action plan to accelerate open space protection and enhancement

MPP-RC-2 Prioritize services and access to opportunity for people of color, people with low incomes, and historically underserved communities to ensure all people can attain the resources and opportunities to improve the quality of life and address past inequities.

Compliance with the Countywide Planning Policies (CPPs)

The proposed Urban Tree Canopy policy amendments to the Natural Environment Element are consistent with the CPPs.

CPP-Env-3 The County and cities shall work collaboratively to create goals and policies intended to implement and address the needs identified in the Regional Open Space Conservation Plan.

CPP-Env-4 The County and cities should identify and protect, enhance, or restore wildlife corridors and important habitat areas that support designated species of local or state significance, such as orca and salmon, and those areas that are critical for survival of endangered or threatened species.

CPP-Env-9 The County and cities should reduce the impacts of light and noise pollution upon residents, including an emphasis on reducing these impacts on vulnerable populations, through land use, development, and transportation decisions.

CPP-Env-10 The County and cities should support the use of integrated pest management and other programs that work to reduce the use of toxic pesticides and other products that present a risk to the health of the environment and humans.

CPP-DP-38 The County and cities should reduce disparities in access to opportunity for all residents through inclusive community planning and making investments that meet the needs of current and future residents and businesses.

Where there is overlap between natural environment policies and policies related to transportation, parks and recreation, open space and climate change, these concepts are expanded upon within separate elements of the comprehensive plan.

PUBLIC PARTICIPATION

The GMA requires early and continuous public participation (GOAL 11 and RCW 36.70A.140). Public participation on the Urban Tree Canopy policies has been provided to date through:

- Providing an opportunity through SEPA Scoping which began on November 1, 2021, and ended on December 3, 2021;
- Making draft policies available for a 30-day early public comment period which began on March 1, 2023, and ended on March 31, 2023; and
- Continuously through the 2024 Update project website.

The Urban Tree Canopy policies received over 230 public comments during the 30-day public comment period. A vast majority of public comments supported Goal 9 and Objective 9.A and highlighted the important environmental and social impacts that trees provide. Many comments strongly supported the protection of trees and vegetation, and addressed current concerns with perceived implementation and enforcement as observed in the lack of trees and vegetation actually being retained on new development sites within Urban Growth Areas.

Overall, commenters expressed support for the proposed amendments with several suggesting language to strengthen some policies and provide language that coordinates with policies in other elements. Listed below are some amendments to draft policy language that were recommended from public comments:

- Amending Objective 9.A to add in the term “cultural” to the list of considerations for plants via a recommendation from comments from the Snoqualmie Tribe. This is to reference Culturally Modified Trees (CMTs) that were modified in some way by past or current Indigenous People.
- Adding Policy 9.A.3 lists the types of programs to preserve and restore native vegetation and tree canopy that will support and be a part of the urban forest management plan.
- Amending Policy 9.B.1 to better clarify how the county will use results from periodic urban tree canopy assessments.
- Amending Policy 9.C.2 to further align the existing policy with related policies addressing reducing the use of toxic pesticides to protect both human and environmental health.

Comments received also discussed ideas and concerns for implementation. However, it should be noted that where strong support was indicated by those representing environmental interests, opposition was registered by those in the building industry.

All public comments are included in the index of records.

ENVIRONMENTAL REVIEW

The County issued a Determination of Significance (DS) for the 2024 Update to the Plan on November 1, 2021. A Draft Environmental Impact Statement (DEIS) will likely be issued in September 2023,

NOTIFICATION OF STATE AGENCIES

Pursuant to RCW 36.70A.106, a notice of intent to adopt the proposed regulations and standards will be transmitted to the Washington State Department of Commerce for the entirety of the 2024 Update to the Plan in September 2023.

STAFF RECOMMENDATION

Staff recommends approval of the proposed comprehensive plan amendments and findings contained in this staff report.

ACTION REQUESTED

The Planning Commission is requested to hold a public hearing, consider the proposed comprehensive plan amendments, and provide a recommendation to the County Council. The Planning Commission can recommend approval of the amendments with supporting findings of fact as proposed or modified, deny the proposal with findings, or amend the proposal with appropriate findings.

cc: Ken Klein, Executive Director
Mike McCrary, PDS Director
David Killingstad, PDS Long Range Planning Manager
Ryan Countryman, Legislative Analyst

Attachments:

Attachment A: Summary Table of Proposed Policy Amendments

Attachment B: Urban Tree Canopy Introduction