

December 17, 2007

Diane Sugimura, Director  
Department of Planning and Development  
City of Seattle  
P.O. Box 34019  
700 Fifth Avenue, Suite 2000  
Seattle, Wa 98124

Dear Ms. Sugimura:

The Emerald City Task Force respectfully submits the following recommendations for improving the City of Seattle's incentives and regulations for tree preservation and planting on private property. These recommendations represent the diversity of expertise and perspective of the ten members of the group.

The task force convened on July 19, 2007 for the first of five meetings to discuss the state of the City of Seattle's existing tree regulations and how the Department of Planning and Development (DPD) might respond to the challenge posed by Mayor Nickels' recently released Urban Forest Management Plan. If we are to increase the tree canopy coverage in Seattle from the current 18% to 30% over the next thirty years, as outlined in the plan, it will take a concerted effort by all City departments to re-evaluate their tree policies. For DPD that means a well-thought out effort to improve the existing tree preservation regulations on private property and to inspire more tree planting and care by everyone in Seattle.

The task force discussed the City's current regulations, reviewed tree protection strategies and efforts used by other cities, and then put together the list of recommendations to DPD contained in this letter. Please keep in mind, these recommendations are not meant to imply consensus on the task force as to a specific direction or regulatory change. Instead this list represents ideas that the task force believes have merit to be pursued, researched further, and considered as part of a comprehensive revision to the City's land use code as it addresses trees.

The recommendations are organized by topic area for easier reference. The groups are not meant to imply priority based on their order. In addition to these recommendations, we are forwarding discussion summaries for each of the five task force meetings so that you may get a better idea of the breadth of discussion at each meeting about each of these topics.

### **Over-Arching Goals**

- There are environmental, economic and social benefits of urban trees; including storm water mitigation, climate protection, air quality improvement, reduced energy costs, carbon sequestration, improved aesthetics, better business environments, and increased land value. These benefits make a compelling case for the City to better understand its urban forest resource.
- Tree protection goals need to be considered in the context of other City goals such as density, transportation, housing affordability, and urban design among others.
- Emphasize flexibility and incentives so that developers and property owners fully embrace the goals of the Urban Forest Management Plan.
- Establish a reliable, on-going funding mechanism by which to implement and enforce any new regulations.

- Consider short- and long-term costs and development restrictions of new tree protection regulations on developers and future property owners along with the overall health of the urban forest.
- Make trees an asset for homeowners and developers rather than a liability. Evaluate the City's regulations and utility operations to determine where incentives can make a compelling argument to retain existing trees.
- Utilize rights-of-way in residential, commercial, and industrial areas to increase tree plantings. The rights-of-way present a significant opportunity to increase the tree canopy cover without limiting development potential.
- Make clear, concise and effective regulations.
- Inter-departmental coordination is critical in order to achieve the City's urban forestry goals and to ensure consistency and eliminate conflicts between City departments.

### **Incentives**

- Establish incentives within the development process to protect existing trees, preserve open space for new tree planting, and adopt low-impact development techniques.
- Establish incentives outside of the development process for private property owners to maintain existing trees and plant new trees whenever possible.
- Recognize that increased density/height and reduced parking requirements are the most valuable incentives for developers.
- Evaluate infrastructure requirements that could be reduced based on tree canopy retained or green space protected (i.e., storm water vault sizing requirements).

### **Regulations**

- In order to curtail the loss of existing tree canopy, require tree removal permits both during development and for all property owners. The permit process should have the following features:
  - Affordable or even free, particularly for the removal of damaged, diseased, dying, or dead trees.
  - Easily and quickly obtained on the internet, at Neighborhood Service Centers, or at DPD.
  - Clear criteria as to which trees can be removed, when they can be removed, and whether they need to be replaced.
  - Flexible - use menu of preservation/replacement options.
  - Impose penalties/fines for lack of permit or violating conditions – penalties should be significant enough in order to encourage compliance.
  - Educational – use permitting process to educate applicants on the value trees provide to their property and to the larger community.
  - Data gathering – use permit application to gather data on the City's tree infrastructure.
- Establish flexibility in the tree protection process to consider tree health, tree structure, life expectancy, and tree location. This flexibility might encourage preservation of multiple small trees rather than one large or mature tree in order to result in a net gain of environmental function. Preservation or improvement of environmental function in the short- and long-term should be the foundation for decision-making.
- Re-evaluate definitions of Heritage, Exceptional, mature, and special trees and consider groups of trees as well. Streamlining and simplifying the designations in the City land use code is desirable.
- Establish a tree fund that receives money from fines, fee-in-lieu payments, and other sources and in return plants and preserves trees in Seattle. This money should not be intermingled with the General Fund or used for the City's standing tree-care obligations.

- Consider alternatives or limits to impervious surface areas in single-family residential zones in order to provide space for trees and improve drainage and the health of the soil which would, in turn, support the long term health of trees. Don't do this, however, in a way that would limit the overall development potential of the site.
- Update tree protection requirements during construction to current best management practices.

### **Enforcement**

- Enforcement is an important part of tree protection; however creating clear, concise regulations up front will facilitate compliance and will reduce potential conflicts that would require enforcement.
- Create an arborist position at DPD to manage the entire tree protection process including plan review, landscape requirements, permitting, and enforcement.
- Set fines based on the value of the tree, or trees, in question.
- Re-evaluate the criteria for calculating tree value to include storm water protection, climate protection, carbon sequestration, economic/business value among others.  
Set fines based on new criteria.

### **Education/Outreach**

- Communicate the environmental, social, and economic value of trees in the context of climate change and urban quality of life to residents, developers, and the construction industry.
- Increase awareness of existing and new tree protection requirements – from regulations on private property through development and construction requirements.
- Increase information and education about tree protection opportunities and regulations earlier in the development process. The goal should be to get tree protection designed into the project earlier during initial site planning rather than trying to incorporate it further down the road when changes to design would be costly or difficult.
- Increase awareness about tree care for all landowners.
- Urban forestry groups and volunteers are a significant resource. The City can leverage its scarce funds by acting as a facilitator connecting residents and developers to these resources.

Land use regulations will play an important part in the City's efforts to achieve the Mayor's urban forest canopy coverage goal; however, they are only part of the effort. Full engagement by City departments - from their own tree care and maintenance practices to how they promote tree planting and care is vital. The City's efforts will not only go along way to directly improving the urban forest's health but it will lead the way by example and show that this effort is not expected from any one individual but as an effort by the community for the benefit of us all.

### **Recommendations for Other Departments**

- Encourage Seattle Public Utilities to reduce drainage rates based on impervious surface and tree/canopy coverage on property – reflecting the role trees play in reducing costs associated with storm water.
- Acquire additional public parks, greenways, and other green space as part of the strategy for protecting and increasing canopy coverage.
- Maximize tree planting on public property including street right-of-way.
- Allow, encourage, or require trench sharing/stacking by City & private utilities.
- Promote underground utilities to reduce conflicts between trees and utility service.
- Create or support programs that reduce the cost of tree planting to homeowners.

- Tighten tree protection requirements for private utility companies using overhead easements and right-of-way.
- Increase tree planting and maintenance on City property, such as parks, street rights-of-way, utility easements, steep slope areas and greenbelts. Encourage other public entities within Seattle to improve their tree planting and maintenance programs as well, such as the school district among others.
- Conduct a comprehensive inventory of trees in the City of Seattle to better understand the resource we have and better craft programs to support that resource.

Thank you for the opportunity to share our recommendations with you. We look forward to the opportunity to work with you and your staff as you further develop updated tree regulations for the City of Seattle.

Sincerely,

The Emerald City Task Force

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*Dan Duffus*, Soliel Development LLC

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*Ann Hirschi*, Consulting Arborist, Tree Solutions Inc.

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