

**MATERIAL PREPARED FOR DISCUSSION BY THE URBAN FORESTRY COMMISSION.
THIS DELIBERATIVE DOCUMENT DOES NOT REFLECT THE OPINION OF THE URBAN
FORESTRY COMMISSION AND MAY OR MAY NOT MOVE FORWARD TO VOTE.**

DRAFT

NOTE: The Urban Forestry Commission didn't fully discuss this letter. The Commission will be scheduling an extraordinary meeting in late August/early September to continue the discussion and vote on a letter of recommendation.

August 8, 2018

RE: "LEG Tree regulation updates ORD D5B" and July 26, 2018 Central Staff Memo "Proposed tree regulation bill"

Dear Councilmembers Rob Johnson, Mike O'Brien, Lisa Herbold, and Lorena Gonzalez,

The Urban Forestry Commission (UFC) continues to commend Councilmember Johnson and Central Staff for moving forward a tree protection ordinance update. The UFC is pleased to support the City in this important effort and thanks Councilmember Johnson and City staff for including UFC input in this process.

In response to the Draft Bill presented at the 8/1/2018 Planning, Land Use, and Zoning Council Committee meeting the UFC is pleased with much of the content. However, the UFC has additional recommendations that we feel would result in a more effective revised tree ordinance, particularly when it comes to the stated "...purpose and intent of this chapter to avoid the removal of trees, [and] to protect trees from impacts of development...".

The UFC specifically applauds the draft ordinance's following central features:

- Expansion of the permit system for all tree removal activity.
- Use of a six-inch threshold for tree significance.
- Inclusion of clear definitions for relevant terms.
- Creation of an in-lieu payment system and Tree Replacement and Canopy Maintenance Fund.
- Creation of an off-site mitigation planting system.
- Inclusion of maintenance requirements and a five-year major development activity restriction.
- Posting requirements on site for removals.
- Innovative development standard reductions for tree preservation.
- Inclusion of a tree replacement mechanism and assurance that replacement trees reach size of significance.
- Inclusion of notice on title for trees when property is undergoing development.

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- Strong enforcement and penalties, particularly: I. *Change of Ownership* and J. *Civil Penalties*.

Taken together, these advancements will be paramount in preserving trees and expanding the city's canopy.

Despite the above successes, we strongly recommend the below adjustments to the draft ordinance:

1. Do not remove protections for existing trees.

Concern: This draft ordinance removes tree protections. The draft ordinance deals with how tree removals are to take place, but does not provide tree protections, and in fact removes existing protections for groves and exceptional trees. We feel strongly this will result in the loss of a substantial number of large trees and their replacement with smaller trees, leading to reduction, not increases in the city's tree canopy. We know that small trees do not provide the same value as large trees. Small trees, if they survive, take decades to replace the benefits we gain from large trees.

Recommendation: Please considering adding back in protections for exceptional trees, groves, and significant trees on undeveloped lots. Section 25.11.100 in the draft ordinance provides space for additional protections. Additionally, continue to enforce hard annual limits on the number of trees removed from anyone property where appropriate.

The identification of exceptional trees is not onerous or admiratively burdensome. To this point, the permit system already requires the involvement of an arborist, taking the identification task over from the landowner. Additionally, the draft ordinance retains the inclusion of the City of Seattle Tree List and List of Suitable Tree Species and expects its use by landowners; the inclusion of exceptional trees is fundamentally no different and could be part of these lists. Some of the proposed provisions in the draft ordinance, such as calculation of net canopy cover on a single lot following tree removal, appear to be far more administratively burdensome than simple tree identification would be.

2. Modify use of canopy coverage percentages on single lots.

Concern: Using calculations of canopy coverage percentage on single lots is problematic. Canopy coverage is a rough approximation that serves city-wide goals as a general aggregate metric. It is likely not as effective on the single lot scale. Some challenges include distinguishing trees and shrubs, and the treating all tree canopy regardless of significance of the tree the same.

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Trees are not evenly distributed throughout the city. Expecting them to be and expecting landowners to be equally interested or capable in managing trees is unrealistic and an ineffective approach. Due to preference and necessity some lots will have more trees than others. As constructed the Minor permit approach will lead to slow loss of canopy on tree covered lots, and little impact on lots without trees.

Recommendation A (for use if we vote 'no' on Item 1):

Implement the same rules for all land uses. If a significant tree is removed, it must be replanted on site. If someone is unable to plant on site due to site conditions or development scenarios, then they must plant off-site or pay a fee-in-lieu. This creates an equitable, legible tree code that is easily followed appropriately and preserves the most trees possible.

Recommendation B (for use if we vote yes on Item 1, and modified by specifics determined in Item 2):

If tree removal leads to net tree canopy above the percentage goal, then no replanting should be required on site. However, one must still mitigate for the loss through off-site planting or paying a fee-in-lieu. If removal leads to net tree canopy below the target, one must replant on site. If someone is unable to plant on site due to development scenarios, then they must plant off-site or pay a fee-in-lieu. This allows for canopy to be added to lots short of the percentage goal. It is important to provide a mechanism to add canopy when trees are removed, even if the particular lot has substantial canopy coverage.

Additionally, please require update of these zone-specific goals every five years in accordance with changes to the Urban Forest Stewardship Plan.

3. Require all permits to list size and species of trees removed and planted.

Concern: Minor tree removal permit as described in the draft ordinance does not require documenting the size and species of trees removed. A central purpose of a permit system is to track lost trees and collect data for improving forest management. Not having basic information such as size and species runs counter to this goal, vastly reducing the value of a permit system.

Recommendation: All permits should require size and species for all tree removed or replaced. This basic information will improve forest management decisions and future policy. The inclusion of this information will also support additional tree preservation mechanisms such as an expectational tree list.

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4. Modify specifics for off-site and replacement plantings to ensure future growth of canopy.

Concern: Using a simple caliper metric for off-site in-lieu plantings is insufficient for replacing lost canopy. Similarly, using DBH for significant trees as thresholds for in-lieu payments may not be the most accurate metric for lost canopy. Finally, requirements for on-site replacements are important and need to be clearly specified in code.

Completion of sections 25.11.XXX *Tree replacement plans* and 25.11.120 *Tree performance standards* may address some of this concern. The UFC awaits their details.

Recommendation: Provide more detail on replacement trees as well as performance standards of replacement and in-lieu tree plantings. Utilize metrics that approximate a tree's value when calculating in-lieu and replacement equivalencies. The UFC will issue a separate letter with recommendations for metrics for replacement trees, in-lieu fee amount calculations, and in-lieu tree plantings.

Thank you -