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Discussed on 11/7/18

November 7, 2018

Councilmembers Rob Johnson, Mike O'Brien, Lisa Herbold, and Lorena Gonzalez
City Hall
600 4th Ave
Seattle, WA 98104

RE: Specific response to questions posed in September 14th, 2018 Central Staff Memo
"Summary of proposed tree regulation bill and identified issues" and Recommendations for
replacement and mitigation plantings as part of tree regulation bill.

Dear Councilmembers,

The Urban Forestry Commission (UFC) welcomes the opportunity to collaborate in the creation of the next iteration of the draft tree ordinance, as offered by all committee members through several interactions with the UFC. The UFC staff will reach out to coordinate small-group, in-person meetings to discuss options and content.

The UFC commends Council Committee members 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 and evaluation in this process. The UFC urge you to complete this process and instate a new tree code in 2019.

The UFC recommends that you review our letters of July 11th, August 31st, and October 10th. Together with this letter, these UFC's documents provide a comprehensive set of recommendations for the upcoming tree ordinance.

Additionally, the UFC urges that the preamble to this bill reflect other City plans and goals and affirm the value of trees and their preservation. Instate a policy of no net loss of year-round canopy volume on any one property, and an increase of year-round canopy volume city-wide.

In response to the September 14th Central Staff memo, the UFC recommends:

- *Should the unit of measure for tree removal permitting be tree canopy cover or tree size per species?*

Removal permits should be based on tree species and size of tree removed, not on canopy cover. Tree size (determined by DBH) and species are easier data for property owners to collect. Additionally, tree size and species are a better determination of values provided to the City by trees, capturing essential aspects of canopy such as seasonality and three-dimensional volume.

• *Should the regulatory standard applied to tree removal permits be specified in detail in the tree code, or provided in a SDCI Director's Rule according to guidelines established in the tree code?*

The UFC urges standards to be expressed in the code, clearly outlining simple effective process including permit fees. The code revision process is underway and should be completed. Director's rules should be utilized for specifics that are subject to changes, such as penalty and tree replacement costfee amounts.

• *Should the tree code proposal maintain or modify the existing definition of exceptional trees?*

1. The code should protect and define Exceptional trees.
2. The current Exceptional tree definition as expressed in Directors Rule XXX: "a tree that is designated as a Heritage tree by the CoS or is rare or exceptional by virtue of its size, species, condition, cultural/historic importance, age and/or contribution as part of a grove of trees", should be maintained.
3. The definition of an Exceptional tree should be expanded to include all trees larger than 24" DBH and add habitat value and ecosystem services provided as criteria to making a tree Exceptional.
4. Protection should also be
5. as a tree that is designated as a Heritage tree by the City of Seattle or is rare or exceptional by virtue of its size, species, condition, cultural/historic importance, age, and/or contribution as part of grove of trees should be maintained. Additionally, all trees larger than 24" DBH should be considered Exceptional. Protections afforded to Exceptional trees should also be extended to all trees on undeveloped lots, and to trees planted as replacement or mitigation.

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• *How should the proposal prohibit the removal of exceptional trees along with protecting significant trees? For example, should exceptional trees be special instances of significant trees, with stronger protections, or should they be provided a different status in the code?*

Exceptional trees are trees that are to not be removed. Significant trees are trees that trigger permitting for their removal. They should be considered separate categories.

The current prohibition on cutting down Exceptional trees should be maintained. No Exceptional trees should be removed unless hazardous, precluding development, or part of an active emergency. When necessary, Exceptional tree removal and replacement would follow permitting required for Significant trees.

Significant trees are non-Exceptional trees, 6" DBH or larger that trigger permitting when removed. Up to ~~three~~ two Significant trees should be allowed for removal from a lot each year, if they are replaced or mitigated as outlined in their removal permit.

- *Should the Committee consider directing SDCI to minimize minor tree removal permit fees and expedite processing of these permits to encourage compliance and improve data collection?*

An expedited and high-compliance permit process would be more simplified; only one tree removal permit, with a lower fee, should be required of land owners and tree care works.

The UFC recommends using different fee scales for hazardous, non-hazardous, imminent failure, and inside/outside of development tree removals.

- *According to what standards should the value of trees proposed for removal be determined, for both the purposes of required mitigation and for enforcement?*

Size and species should be the factors used to determine the appropriate replacement, mitigation, and enforcement. This would institute a simple, consistent, and effective system.

- *What factors matter when setting the value of trees, for example: carbon sequestration, shade, storm-water, market costs, maintenance costs, and the age of the tree?*

Size of tree and species are simple metrics and excellent approximation of each of those value factors. Additionally, native conifers are excellent in providing those benefits and should score well on size and species ratings.

With regard to replacement and mitigation planting components of a new tree code the UFC recommends:

1. *Remove direct off-site mitigation planting as part of the permitting process.* Simplify the process for landowners and tree care works by removing their role in mitigation planting. Move offsite mitigation to part of fee in leu – the purpose is which to preserve, mitigation, replacement, maintenance, and stewardship fund. The City could then choose to use fees to plant mitigation trees if that is best approach to meet stated tree, canopy, and urban greening goals.
2. *Institute a simple, small, medium, large system for replanting.* Removal of small trees should be replaced 1 for 1, medium trees 2 for 1, and large trees 3 for 1. Replacement trees need to expect to reach equivalent or larger size in three-dimensional canopy in 20 years. When multiple trees are removed with cumulative sizes above 24" or when removing single trees above this size, such as in development, require additional

replacement trees or payments on each additional inch above 24. This creates further protections for larger trees and their difficult to replace value.

3. *Align fee in lieu payments and permit fees with the above categories.* Maintain these established categories and the stipulation on every inch above 24” for all program aspects. Maximize simplicity and equity by having consistency in the program.
4. *Use 20 years for tree maturity, as is industry standard.* Target replacement and mitigation equivalency to be reach at 20 years or sooner. Extend Exceptional tree protections to replacement and mitigation trees for 20 years.
5. In cases where development is taking place or when trees are removed within a year of property changing owners, consider all trees that have been on the site within the past two years for replacement and mitigation requirements. This consideration will add disincentive to removing trees prior to the ordnance taking effect, and guard against other ways of taking advantage of the system, as all as is common practice in other tree ordinances nationally.
6. *Require replanting during planting season.* Stipulate that replacement and mitigation plantings only qualify if completed between October 1st and April 1st. Trees planted outside this window are unlikely to survive, wasting resources and undermining the purpose of the system.