

**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.**

RE: Additional Urban Forestry Commission (UFC) comments on SDCI Director's Rule 13-2020

Dear Nathan,

The UFC wrote to you on August 12, 2020 to provide comments on the draft Director's Rule for 'Exceptional' trees, specifically showing support for expanding it to provide guidance on significant tree protection, tree care providers, 'hazard' trees, and SEPA. We would like to take the opportunity to readdress some of our main comments and concerns, as well as provide some additional thoughts for your consideration in moving forward with the adoption of this Rule, which will play a critical role in the protection of trees in Seattle.

First and foremost, the protection of 'Exceptional' trees should be managed by SDCI the same way, regardless of whether the tree, or trees, are on private property undergoing 'development' or on a property where no 'development' is being proposed. Under the current SMC 25.11, 'exceptional' trees on property being developed can be removed if the property owner claims the existence of the tree prevents them from reaching their 'development potential, even if the trees are completely health and present a 'low' risk of failure. However, if a property owner who is not 'developing' their property would like to remove an 'Exceptional' tree, they have to hire an ISA Certified Arborist with the current Tree Risk Assessment Qualification (TRAQ) to carry out a Tree Risk Assessment and determine that the tree is 'high' to 'extreme' risk of failure. The latter ensures that trees of good health and structure are retained and protected in Seattle, but unfortunately, the former does not and is resulting in the removal of 'Exceptional' trees during the 'development' process on all types of property, in all parts of the City. It would be a great improvement to the current draft DR to see language that clearly states that "all 'Exceptional' trees are protected and cannot be removed from any property, at any time, even during 'development' unless the tree is considered 'high' or 'extreme' risk of failure, as stated by a qualified arborist".

Connected to the above, it is essential to include language into the DR that prevents a property owner claiming that the 'risk category' of an 'Exceptional' tree, or any protected tree, can be 'high' or 'extreme' *following* the development of a site, leading to the permitted removal of it before any project begins. It is possible to design new buildings around existing trees, even large ones, and this should be actively encouraged by SDCI, in all cases. Tree Risk Assessment is based on observations made in the present, so it is not acceptable to claim a tree will not survive the construction process, when it is a recognized fact that trees can be adequately protected during construction and retained during and after the

completion of the project. There is already language in SMC 25.11.050 that addresses the protection of the root zone of 'exceptional' trees, so it makes sense to add this into the draft DR also.

The UFC recommends that SDCI moves forward as soon as possible with any of the draft changes to the DR, that are actionable without the need for additional input, either from the legal department and/or the public. Public comments were invited last year and SDCI received 800(?) comments, the majority of which were in favour of the draft changes. Certain changes, such as reducing the threshold from 30" DBH to 24" DBH would immediately make a difference in the City as trees of up to 29.5" DBH are being removed regularly which would have been protected if the threshold was lowered. As a point of reference, Portland, OR has recently lowered its threshold to 20' DBH.

Another strong recommendation is to update the definition of exceptional trees, tree groves, defining significant trees, re-defining hazardous trees, and submitting a new Exceptional tree list and including tree service provider acknowledgement and requirement, as UFC's letter from August 2020 details. The latter is extremely important to put in place as soon as possible as there are trees being removed by unlicensed, uninsured and unregistered 'companies' that are not even legally allowed to work in Washington State and if any accident or fatality occurs on a property, the property owner may be found liable for covering any costs if the people involved are not covered by the correct level of insurance and licensed and bonded by the State of Washington's Labor & Industry department.

As part of updating the 'Exceptional' tree list, it is advised to consider adding in native species that are currently excluded from the list, unless part of a 'tree grove'. This includes red alder and black cottonwood trees which both grow quickly and provide essential benefits to humans and wildlife alike. These trees are often considered negatively within the urban environment, generally due to their relative short lifespan (compared to native conifer trees) and their structural issues, but neither of these concerns are valid reasons to not encourage their protection at a time when we need as many existing trees as possible to combat the effects of climate change, including the increasingly measurable 'heat island effect' in urban environments where there is significant tree loss. In fact, fast growing native trees are very much needed at a time the City of Seattle is looking to increase canopy cover, and structural issues in trees can be addressed when trees are young, as well as when they are older and larger, if property owners are able to find experienced, knowledgeable and proactive arborists to help recommend management plans for their trees.

Continuing with the native tree subject, the UFC recommends that all native conifer trees received a higher level of protection and would like to see Douglas-fir, Western red cedar, Western white pine, Western hemlock and shore pine trees all be categorized as 'Exceptional' at 6-12" DBH (TBD). Conifer trees provide the highest level of ecological services within urban environments in the Northwest, as well as many positive benefits to human health and wellbeing, and even property value. Native conifer trees are also perhaps the easiest and cheapest trees to maintain, as unlike many deciduous trees which grow horizontally as well as vertically, with less predictable growth habits, conifers focus their growth upward with their horizontal branching growing to help balance the stem and provide energy

production, resulting in a far easier tree to maintain as once the lower branches are pruned around any structures, there is very little need for any additional pruning into the future. Protecting as many conifers already existing in the City will be one of the best ways to actively preserve urban canopy and allow its development, without impacting much of the existing or planned infrastructure. (Planting more conifers should also be actively encouraged by SDCI during new construction projects, especially if existing trees are removed during the process, as they grow relatively quickly and as mentioned previously, they are relatively cheap to maintain.) Currently there are fewer native conifers in Seattle than deciduous trees, which is strange in the supposed Emerald City in the Evergreen State!

Possible other points for inclusion?

a. Highlight the change to how many 'significant' trees (larger than 6" DBH, but non-'exceptional') can be removed on a property in any one year? Ideally, no more than one per year?

b. Reduce the size threshold for tree groves to be 6" DBH, not 12" DBH?

c. Include language that stipulates that all proposed development starts with a meeting of the City arborist, developer (contractor/ architect / landscape architect) and the property owner's architect on site to identify existing 'exceptional' trees and have a discussion of the options for retention and protection of the tree(s). Too many trees are being ignored by both property owners/ developers and SDCI's site inspector and plan reviewer, often not even included on plans, and so the City arborist does not even know there is an 'exceptional' tree on a property that requires additional protection, and plans are approved which allow removal of the tree(s), without there being a chance to discuss protection?

(Likely more ideas to follow....)