

## Seattle Urban Forestry Commission

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**Shari Selch** (Position #13 – Community/Neighborhood)

November 14, 2018.

Councilmembers Rob Johnson, Mike O'Brien, Lisa Herbold, and Lorena Gonzalez  
Council's Planning, Land Use and Zoning Committee  
City Hall  
600 4th Ave  
Seattle, WA 98104

RE: Response to policy questions posed in the September 14, 2018 [Council Central Staff Memo](#) and recommendations for replacement and mitigation plantings as part of tree regulation bill.

Dear Councilmembers,

The Urban Forestry Commission (UFC) commends Council's PLUZ Committee members and Council Central Staff for continuing to move forward a tree protection ordinance update. The UFC is pleased to support the City in this important effort and thanks Councilmembers and City staff for including UFC input and evaluation in this process. The UFC urges you to complete this process and instate a new tree code in 2019.

The 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 Councilmembers' and Council Central staff to coordinate small-group, in-person meetings to continue the discussion of options and content.

The UFC would like to highlight past letters issued on [July 11](#), [August 31](#), and [October 10](#). Together with this letter, these UFC documents provide our recommendations to date regarding the upcoming tree ordinance.

Additionally, the UFC believes that the preamble to this bill should reflect other City plans and goals; affirm the value of trees and their preservation; instate an overall goal 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 policy questions raised in the September 14 Council Central Staff memo, the UFC recommends:**

1. Central Staff Memo question: *Should the unit of measure for tree removal permitting be tree canopy cover or tree size per species?*

UFC response/recommendation: Tree removal and replacement permits should be based on tree species and size of tree removed, and not based on canopy cover. First, tree size (determined by diameter at breast height or DBH) and species are easier data for property owners to collect, which will lead to higher compliance. Additionally, tree size and species are a superior determination of values provided to the City by trees than canopy cover because they better capture essential aspects of canopy, such as seasonality and three-dimensional volume.

2. Central Staff Memo question: *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?*

UFC response/recommendation: The UFC believes regulatory standards applied to tree removal permits should be expressed in the tree code. Director's rules should be utilized for specifics that are subject to change, such as penalty and tree replacement amounts, which are likely to change over time. In addition, the UFC has recommendations regarding the permitting process that are addressed elsewhere in this letter.

3. Central Staff Memo question: *Should the tree code proposal maintain or modify the existing definition of exceptional trees?*

UFC response/recommendation: The tree code proposal should modify the existing definition of Exceptional trees, and clearly codify that definition. The current Exceptional tree definition as expressed in Director's Rule 16-2008 – Designation of Exceptional Trees: "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 a grove of trees" should be maintained. The UFC recommends three modifications to this definition:

- That the definition be expanded to include all trees larger than 24" DBH.
- That "habitat value and ecosystem services provided" are added as criteria to making a tree Exceptional.
- That the protections of Exceptional trees be extended to all trees on undeveloped lots, and to all trees planted as replacement or mitigation, regardless of their size/species.

4. Central Staff Memo question: *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?*

UFC response/recommendation: Exceptional trees and Significant trees are different categories and accordingly, should be given different status in the code. Exceptional trees are trees that are to not be removed except in exceptional circumstances. Significant trees are trees that trigger permitting for their removal.

The current prohibition on cutting down Exceptional trees should be maintained. No Exceptional trees should be removed unless hazardous, precluding full development potential, or are 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 for removal. Up to 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.

5. Central Staff Memo question: *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?*

UFC response/recommendation: As previously stated, instead of major/minor permits, the UFC recommends using different fee scales for tree removal for projects requiring a building permit; outside of development; and for hazardous situations.

A minimal tree removal and replacement permit should be used for developed lots where 1 – 2 Significant, non-exceptional trees are to be removed (a typical scenario would be a property owner removing one or two trees for a variety of reasons). This permit should not require a canopy survey but using tree species and tree diameter to simplify the application process, particularly if a photo of the tree at a distance and a close-up of leaves or needles are included as part of the application to help in tree species identification and size. The permit fee should be kept low to increase compliance.

A more substantial permit process and fee should be part of any project needing a building permit and would require a professional tree survey of all trees on the site before development, a landscape plan for trees replanted, and fee-in-lieu for those not planted on site.

The two-week posting requirement for tree removal permit should be based on the tree application date not on the approved permit date as stated in [Draft D-7](#). This would allow for public comment to take place prior to the tree removal permit being approved. Tree removal permit applications should be posted on line and interested parties should be informed. An example could be creating and maintaining a listserv for people interested in being informed on such applications.

6. Central Staff Memo question: *According to what standards should the value of trees proposed for removal be determined, for both the purposes of required mitigation and for enforcement?*

UFC response/recommendation: 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 that does an excellent job of approximating the value of urban trees.

7. Central Staff Memo question: *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?*

UFC response/recommendation: While all these factors matter when setting the value of trees, the UFC finds that these values can be accurately approximated by the size and species of the tree. Size of tree and species are simple metrics that are easy for owners to identify and for City staff to use to calculate value. The UFC believes that using size and species is also consistent with a system that will give preference to native species, especially conifers, as these will score highly using a size/species system.

**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 and replacement process.* Simplify the process for property owners and tree care workers by removing their role in mitigation planting and maintenance. Change the offsite mitigation option to help fund the fee-in-lieu Tree Replacement and Maintenance Fund – the purpose of which is to preserve, mitigate, replace, maintain, steward an increase trees in the city. The City could then choose to use fees to plant mitigation trees where most needed to meet city equity and canopy goals. The current draft doesn't actually establish such fund. It should create, define, fund, and clarify how the fund will work.
2. *Eliminate the complicated formula currently proposed for tree replacement using canopy cover (25.11.120), and institute a simple small, small-medium, medium-large, large tree system based on tree species and DBH for replanting.* The UFC's intent is to align the regulation update with Green Factor and other existing tree programs/requirements which already institute a four-category system. The UFC also recommends increasing the number of trees required to be planted for replacement as the size of the removed tree increases. For example: Removal of small trees should be replaced 1 for 1, small-medium trees 2 for 1, medium-large trees 3 for 1, and large trees 4 for 1. Replacement trees need to expect to reach equivalent or larger size in three-dimensional canopy within 20 years. When multiple trees are removed with cumulative sizes above 24" DBH 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, and the fact that not all trees planted survive (for comparison: Portland, OR requires inch for inch replacement above 20" DBH).
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 the industry standard.* Target replacement and mitigation equivalency to be reached at 20 years or sooner. Extend Exceptional tree protections to replacement and mitigation trees for 20 years.
5. *In cases of development, or when trees are removed within a year of a property changing owners, consider all trees that have been on the site within the past two years for replacement and mitigation requirements if trees have been removed and not replaced.* This consideration will add a needed disincentive to removing trees prior to the ordinance taking effect, guard against other ways of taking advantage of the system, and is common practice in other tree ordinances nationally.
6. *Incentivize tree planting best management practices to increase survival rates including replanting during planting season (in the Fall) and watering for five years (establishment period).* For example, replacement and mitigation plantings only qualify if completed between October 1

and April 1 (language currently used by Mercer Island). Trees planted outside this window and not watered in the summer through establishment are less likely to survive, wasting resources and undermining the purpose of replacement trees.

7. *Preserve [SMC 23.44.008](#) requiring a minimum number of trees on a single-family lot. Extend a tree minimum requirement to include other zones to be defined in the Director's Rule.*

The UFC urges you to consider these recommendations as you continue working on a draft tree protection ordinance.

Sincerely,

A handwritten signature in black ink on a light-colored background. The signature is cursive and appears to read 'Weston Brinkley'.

Weston Brinkley, Chair

cc: Mayor Durkan, Council President Harrell, Councilmember Bagshaw, Councilmember Juarez, Councilmember Mosqueda, Councilmember Sawant, Jessica Finn Coven, Nathan Torgelson, Michelle Caulfield, Mike Podowski, Noah An, Maggie Glowacki, Chanda Emery, Urban Forestry Management Team, Urban Forestry Core Team, Sara Maxana, Aaron Blumenthal, Eric McConaghy, Yolanda Ho, Susie Levy, Daniel Strauss, Evan Philip

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