

**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

August 31st 2018

RE: “LEG Tree regulation updates ORD D7” and August 16th 2018 Central Staff Memo
“Summary of proposed tree regulation bill and identified issues”

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

The Urban Forestry Commission (UFC) thanks 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.

The UFC has six broad recommendations:

1. *Slow down this process* – Revising the tree code for Seattle is long overdue and nearly a decade in the works. This one of a kind opportunity shouldn’t be rushed, particularly if it means producing an ineffective or detrimental set of code. Please consider moving the final decision on this to 2019 to allow for additional consideration and analysis of the impacts of such policy proposals.
2. *Adequately resource the ordinance* – Success of instituting an effective code is highly dependent on necessary funding for outreach, administration, enforcement, and data management.
3. *Update the ordinance following the completion of the Urban Forest Management Plan (UMFP) update* - Stipulate the ordinance be updated in unison with the UMFP every five years to ensure continuity of policy and use of best available data.
4. *Institute an ability-to-pay income-based program* allowing for equitable establishment of permit prices, in lieu fees, and permit penalties associated with this ordinance - The purpose of fees is to fund the program and to provide a disincentive for action. These can be accomplished at sliding scale rates.
5. *Consider the values that the city gains from trees* – We benefit the most from big trees. While canopy is an effective policy tool and scientific measurement, it is not a concept that people understand, let alone build connection to. People are connected to trees, particularly big trees. Fortunately, big trees also provide exponentially more environmental benefits than equivalent collection of small tree canopy.
6. *Align tree data throughout permit and tracking systems* – To ensure effective data and an ability to evaluate policy we need better tree data. Work to ensure that tree removal permits are tracked or integrate with identified illegal removal complaints, SDOT street tree inventories, and other City tree data.

In specific response to the Draft Legislation D7, the UFC is pleased with much of the content. The UFC specifically applauds the draft ordinance’s following features:

**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

- Expansion of the permit system for all private property 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.

However, the UFC has concerns with some aspects of the Draft including the removal of the purpose and intent to protect trees that was in previous versions: "...purpose and intent of this chapter to avoid the removal of trees, [and] to protect trees from impacts of development...".

The UFC has recommendations to the draft ordinance that we feel would result in more effective management of our city's trees. We strongly recommend the below adjustments:

1. Do not remove protections for existing valuable 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, trees on undeveloped lots, and Exceptional trees including our Heritage 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. Scientific findings show 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. Large trees provide ecosystem values that collections of small trees cannot replicate. Citizens rally around large trees, they are contributors to communities in ways that collections of small trees cannot replicate.

Recommendation: Please considering adding back in protections for exceptional trees, groves, and significant trees on undeveloped lots.

The identification of exceptional trees is not onerous or admiratively burdensome. To this point, the permit system already requires the involvement of an arborist and or SDCI professional 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

**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

canopy cover on a single lot following tree removal, appear to be far more administratively burdensome than simple tree identification would be.

2. Utilize existing permit administration resources for permitting tree removal.

Concern: Tree protections are not stringent enough, and the proposed tree removal system is more complex than needed due to perceived shortcomings of permitting. Basic permitting notions such as file sharing, information attestation, and calculation resources are not adequately considered in constructing a tree removal permit.

Recommendation: Tree removal permits should be afforded the same level of resources and systems that other permits are provided. This includes back and forth with a City expert at the permit counter, file sharing, information attestation, and calculation resources. This should allow ease in process not currently available. For example, while tree identification for Exceptional trees is difficult currently, it needn't be when a permit is required for tree removal. And in most cases identification can be accomplished without requiring a site visit for Minor permits.

Create easy to use online tools and calculators similar to what is available for construction. This includes the requirement for calculating a project value, or in this case a tree value, for trees removed. Such implementation would allow for calculation of the permit costs according to the value of trees removed. A simple excel worksheet should be able to calculate the value of the trees being lost utilizing any range of best available sciences on tree benefits valuation. This could be as simple as determining a high, medium, or low value based on size and species.

3. Modify use of canopy coverage percentages on single lots (TCMU approach).

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.

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. Generally, this process is seen as too complicated for property owners to effectively follow.

Recommendation A: *If using a TCMU based approach consider:*

Always requiring replanting - 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.

**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

Never striving for less canopy in a zone than we have currently - Require update of these zone-specific goals every five years in accordance with changes to the Urban Forest Stewardship Plan and best available data. We shouldn't endeavor for a reduction in canopy.

Clarify canopy calculations in relation to adjoining property - Clarify calculations related to canopy from neighboring properties, street trees (which are already permitted), non-ROW access easements, and adjacent public property on lots or tree removal. Additionally, clarify calculations for canopy coverage lost on neighboring lots when calculating coverage on lots of removal.

Clarify calculations of what defines canopy cover – Consider utilizing a definition of cover at 14-feet in height. This simplifies differentiation of shrubs and hedges with trees, and aligns with minimum height requirements over rights-of-way.

Recommendation B: *If considering an alternative to TCMUs, we suggest:*

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. It can utilize updated tree species lists available to the public already.

For removal of trees less than 6 inches DBH, no permit is required. For removal of trees between 6 and 24 inches DBH a permit is required. Trees larger than 24 inches are considered Exceptional and shall not be removed unless hazardous or precluding development. Also considered Exceptional should be all trees designated as Heritage trees, trees designated as Exceptional due to their size or stature, trees in defined groves, and trees on undeveloped lots. Exceptional trees should not be removed unless depriving of property value or are considered hazardous and thus no longer exceptional.

Trees being removed requiring permits should be replaced on site. If replacement on site is possible a Minor permit will be sufficient. If tree replacement cannot be completed on site due to insufficient plantable space for replacement requirements, then a Major removal permit should be issued. A Major permit allows for in lieu or off-site planting. These rules should hold the same for properties in development or not in development.

Replacement trees, on or off site, are always required for removals, in less in lieu fees are paid. Replacements, in that they are younger and survival beyond five years is not certain, must exceed the trees removed to ensure city-wide canopy growth. Trees should be replacing in accordance to their value, which is previously calculated in determining the permit cost. Tree categorization could be provided in the updated City of Seattle Tree List and List of Suitable Tree Species, and aligned with the valuation estimation tool. Categorizing for replacement could be as simple as small, medium, and large in twenty years. A potential methodology could be:

**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

Tree Replaced (at a minimum)	Tree Removed		
	Small	Medium	Large
	Two Small, or one Medium	Two Medium, or one Large	Two Large, or one Large and two Medium trees

Tree size and value could be calculated in many ways, and there are likely many approximations that would achieve the same rough goals of defining small, medium, and large trees. SDOT already utilized a tree list that organizes trees as small, medium, and large.

Another potential way is to calculate estimated 20-year DBH (in inches) multiplied by estimated 20-year height in feet. Small are trees those where the product of this calculation is less than 200 ft-inches, medium are those between 200 and 400 feet-inches, and large are those over 400. (*for example: a Douglas-fir at 20-years old could be estimated to be 12 inches DBH and 40 feet tall, 12*40=480, a large tree by this metric.*) This provides a rough metric for three-dimensional canopy and a proxy for maximizing ecosystem and cultural value.

Another simple categorization could be small trees are non-native deciduous, medium are native deciduous and non-native conifers, and large are native conifers.

Thank you -