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Date

Letter to SDCI
Nathan Torgelson
SDCI Director

The Urban Forestry Commission (UFC) would like to extend its gratitude to the Seattle Department of Construction and Inspections (SDCI) for its continued work to enhance tree protection, despite the current challenges Seattle is experiencing, and specifically to Chanda Emery, for taking the time to brief the UFC on this important work.

Chanda updated the UFC at 5/13 meeting on work done to date including:

- Implementation of a new tree data sheet in the plans that will require all applicants to provide tree information (as outlined in the Executive Order) showing all trees 6" or greater, replacement and mitigation of trees.
- Implementation of a system in Accela for tree-tracking through the permit review process; SDCI will begin to address the tree data-tracking backlog, going back to 2019 to load information.
- Ongoing deliberative sessions with UFC members to update the Exceptional Tree Director's Rule.
- Establishment of Best Management Practices for public notice sheets for enhanced tree protection.
- Enhanced support for the process to impose penalties and fines for illegal tree cutting.

The UFC commends SDCI's progress on implementing [Mayor Burgess's Executive Order 2017 -11: Tree Protection](#) and moving forward with updating [SMC 25.11 -Tree Protection Ordinance](#) per [the Seattle City Council Resolution 31902](#). The UFC has been advising the Mayor and City Council for 11 years on updating 25.11.090, which is critical as Seattle has continued to grow and densify. These items are extremely important. The UFC's has issued numerous recommendations related to these topics and would like to support those past recommendations with additional rationale.

We need better data. The bulk of the city's trees are in areas under SDCI's jurisdiction. If one separates out the 20% of tree canopy cover in Parks, and the 22% of right of way trees, almost 60% of Seattle's trees are on private property overseen by SDCI. The City's 2037 tree canopy cover goal as established in its [2013 Urban Forest Stewardship Plan](#) is 30%. According to the [2016 Tree Canopy Assessment](#), Seattle's tree canopy by area was 28% measured at 8 feet above the ground. To know if Seattle is gaining or losing tree canopy area and volume over time it's important to be able to track data of tree canopy loss and gain. One must track the overall loss and gain not just of tree numbers but the size and canopy of trees.

Portland passed a requirement for a [Tree Inventory and Tree Plan](#) in 2018. The purpose of the Inventory Worksheet is to:

- Inventory all the applicable trees for your project
- Describe how these trees will be impacted

- Describe how preserved trees will be protected
- Detail the mitigation requirements for your project
- Indicate which trees will be preserved or removed

Portland, OR shows the value of tracking more data, particularly tree species and tree DSH, as it allows a more detailed analysis of the net loss and gain of canopy. See their report [City Wide Tree Project Data Report](#).

The UFC has repeatedly asked that SDCI require a detailed tree inventory for all development projects¹. A separate tree site plan also helps to clearly show where the trees are, which are to be removed, which saved and where replacement trees will be planted. Other cities are increasing data collection to include not just numbering all 6 inch DSH trees with tags but also listing tree species, tree condition, tree canopy diameter, tree height, geo-location and supplying photos of trees and the site. To track tree loss and replacement, City Departments currently must report quarterly to OSE their tree removals and tree planting. The only information reported is the number of trees removed and planted. All City Departments need to expand this reporting with more reporting of information like size and species of trees removed and replaced. - SDCI is the only City Department not reporting tree loss and replacement. The UFC greatly appreciates that SDCI is moving forward with increased data collection. Unfortunately, the size and species of the tree removed has not been considered by city departments in terms of what is replaced. Replacing one large tree with two small trees will result in a significant loss of canopy area and volume. For effective tracking, the city must also track the Diameter at Standard Height (DSH) and species of each tree lost. The DSH of a tree correlates with canopy area and volume if species specific growth rates are presumed.

Without permits, tree loss cannot be tracked. Violations are complaint-based, and by the time one hears a chainsaw it is too late to save a tree. Many trees get removed illegally without an across-the-board Tree Removal and Replacement permit system for all trees over 6 inches DSH. Without a universal permit system, there is no consistent and effective oversight or monitoring of trees being removed.

[SMC 25.11.090](#) unfortunately only addresses protecting exceptional trees during development. Developers are encouraged to save exceptional trees, but they can be removed if they are hazard trees or if they limit the development potential of a lot. Under 25.11.090, in all zones, developers must replace all exceptional trees and trees over 24 inches DSH that are removed. Without tracking or requiring Tree Removal and Replacement permits, however, there has been no comprehensive record for the last 20 years of actual tree loss and tree replacement. To reach the city's canopy goals this needs to change.

Different landscape requirements for minimal tree replacements also exist for single family under [SMC 23.44.020](#); multifamily under [SMC 23.45.524](#) or commercial under [SMC 23.47A.016](#). Green factor tree requirements in multifamily zones and other zones are under [SMC 23.86.019](#). These landscape requirements all are based on what a lot completely devoid of trees should have. They do not consider the impact on reducing urban tree canopy caused by not replacing trees in any equivalency based on the size, number or species of trees removed during the development process.

Because of this negative impact on tree canopy, the current situation seems out of compliance with stated adopted environmental policies:

¹ UFC [Adopted Recommendation on DPD Reporting](#) (June 25, 2014)

[SMC 25.11.010](#) Purpose and intent.

- A. *Implement the goals and policies of Seattle’s Comprehensive Plan especially those in the Environment Element dealing with protection of the urban forest*
- B. *To preserve and enhance the City’s physical and aesthetic character by preventing untimely and indiscriminate removal and destruction of trees.*

In the [Seattle 2035 Comprehensive Plan](#)., Environmental Element states that:

“POLICIES EN 1.1 Seek to achieve an urban forest that contains a thriving and sustainable mix of tree species and ages, and that creates a contiguous and healthy ecosystem that is valued and cared for by the City and all Seattleites as an essential environmental, economic, and community asset.

POLICIES EN 1.2 Strive to increase citywide tree canopy coverage to 30 percent by 2037 and to 40 percent over time.”

An inconsistency also exists between current platting language and tree protection.

The 2013 [Urban Forestry Stewardship Plan](#) states that one of its four goals is *“expand canopy cover to 30% by 2037. One of its priority actions is to Preserve Existing Trees Because it takes decades for most trees to reach their ultimate size, trees already growing in Seattle generally provide people immediate and ongoing benefits that cannot be matched by small/young replacement trees.”*

Given these inconsistencies, we put forth two new recommendations which we feel will help align and achieve City tree goals:

1. Require that Tree Removal and Replacement permits be required for all Exceptional trees and trees over 24 inches DSH during development under existing [SMC 25.11.090](#) to bring SDCI into compliance with the current Tree Protection Ordinance.

The SDCI Director currently has the authority to require permits under *“[SMC 25.11.100](#) A. Authority. The Director shall have the authority to enforce the provisions of this chapter, to issue permits, impose conditions and establish administrative procedures and guidelines, conduct inspections and prepare the forms necessary to carry out the purposes of this chapter.”*

Additionally, this would allow for effective phasing in of Tree Removal and Replacement Permits for all significant trees (6 inches DSH and larger) that are removed on all sites being developed as well as sites already developed. This would also bring SDCI in compliance with platting and short platting requirements to *“show the specific location and description of all trees at least 6 inches in diameter measured four and one-half feet above the ground with the species indicated”* and is *“designed to maximize retention of existing trees”*²³⁴⁵.

2. Establish a separate Urban Forestry Division within SDCI to have a clear path for urban forestry issues decision-making or resolution and increased accountability. Administration and enforcement of SMC 25.11 and other ordinance provisions relating to tree protection and the urban forest have no clear department section or division within SDCI that is responsible for overall tree protection. Instead tree protection is spread diffusely throughout SDCI with many people having some oversight and

² [SMC 23.22.020 -Content of preliminary plat application](#)

³ [SMC 23.22.054 – Public Use and Interest](#)

⁴ [SMC 23.24.020 – Content of application](#)

⁵ [SMC 23.24.040 - Criteria for Approval](#)

responsibility, but no one is clearly in charge and accountable. Several examples of the need for more clear commitment by SDCI to enforce tree protection code are referenced above, as well as:

Increasing Protections. The [Urban Forestry Stewardship Plan](#) had minimal responsibilities assigned to SDCI (then Department of Planning and Development) regarding Tree and Urban Forest Protection, despite a standing [Seattle City Council Resolution 31138](#) passed on August 3, **2009** which directed DPD to examine a variety of issues to increase protection of *trees* and *Seattle's* urban forest. They produced several ordinance drafts which the Seattle City Council rejected and which the UFC opposed as weakening tree protection.

Replacing Lost Exceptional Trees. The UFC has repeatedly asked SDCI to rigorously enforce SMC 25.11.090 requiring developers to replace all exceptional trees and trees over 24 inches DSH removed during development in all city zones. It is obvious that Seattle is not collecting any fees in lieu of replacement on development sites that this provision is being ignored⁶.

While the UFC greatly appreciates the current efforts by SDCI to increase tree protection and the dedicated individuals working in SDCI to do this, the UFC strongly believes that the problems are systemic in SDCI's operating structure. In moving forward, the UFC believes this situation can be remedied by creating an **Urban Forestry Division** within SDCI. Such an Urban Forestry Division must have clearly delegated responsibility that enables its staff to rigorously implement and enforce current tree and urban forest protections as well as to advocate for increased protections as needed. It also needs to be a place that the public trusts is committed to environmental protections.

Complete Work on the Update of SMC 25.11

Finally, in addition to the important work under way updating the administrative rules, the UFC urges **follow through with updating SMC 25.11 - Tree Protection Ordinance itself as directed by the Seattle City Council and Mayor's office.** The draft ordinance deals with a number of other issues not addressed here including, but not limited to, in lieu fees; replacement tree size and number based on the size of the tree removed; need to water trees through establishment (5 years); alternative site plans; and setting up a Tree Replacement and Preservation Fund. Please see Urban Forestry Commission's draft [Tree and Urban Forest Protection Ordinance \(June 14, 2019\)](#), and the UFC one-page handout on [Tree and Urban Forest Ordinance Update](#) entitled "Simpler, Smarter, and Stronger Tree Protection for Seattle's Urban Forest".

Thanks again for all your work advancing these important issues,

⁶ [Enforcement of SMC 25.11.090 - Tree Replacement and Site Restoration. \(July 11, 2018\)](#)