



City of Seattle
Urban Forestry Commission

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December 8, 2021

Nathan Torgelson, Director, Seattle Department of Construction and Inspections
Chanda Emery, Seattle Department of Construction and Inspections
700 5th Avenue, Suite 2000
Seattle, WA 98104

RE: December 1, 2021 Urban Forestry Strategy/Role of Tree Code discussion

Dear Director Torgelson and Chanda,

Duwamish Lands (Seattle, WA) – The Urban Forestry Commission (UFC) appreciated the December 1st discussion and presentation titled ‘Urban Forestry Strategy and the Role of Tree Code’. This is a timely matter given our understanding of the following stated goals of OSE and SDCl:

- In December 2021, to developing draft recommendations; and to
- make a draft proposal available with Environmental (SEPA) review for public comment.
- Within the first quarter of 2022, to work with stakeholders, including UFC, on any potential updates to the proposal; and to
- develop final recommendations for legislation.

We understand that due to resources available for this effort, the intent of this process is to pursue five (5) of the Resolution 31902 urban forestry strategies:

- Expand Exceptional tree definition by lowering typical threshold from 30-inches to 24-inches DBH and to retain protections for tree groves and specific Exceptional tree species smaller than 24-inches DBH.
- Define significant trees and enforcement of existing significant tree removal permits.
- Allow in-lieu fee option for tree replacement with payment amounts based on *national standard tree functional replacement manual* (more information requested).
- Simplify tree planting/replacement requirements.
- Tree Service Provider Registration and Provider/Homeowner Self Reporting.

However, along the above points being priorities established, the UFC urges the remaining four (4) Resolution 31902 strategies be pursued now as well:

- Require replacement for significant tree removal.
- Strengthen tree removal limits and restore tree protection requirements within single-family zones.
- Track tree removal and replacement to identify potential implementation and enforcement needs.
- Provide adequate funding to administer/enforce tree retention and planting.

We appreciated the invitation to provide suggestions relative to the tree protection code pursuant to our role as a Commission: *“To provide recommendations on legislation concerning urban forestry management, sustainability and protection of associated trees and understory vegetation and related habitat on public or private property prior to its introduction and referral to any Council committee.”* To that end, the Commission requests more documentation including the following:

- Recent tree loss data from public and private properties, including the assessment to the data collected (see prior UFC letter); and
- Draft Environmental (SEPA) review proposal and associated accompanying SEPA checklist prior to issuance for public comment; and
- Draft tree protection ordinance prior to issuance for public comment.

In the interest of expediting the Commission’s fulfillment of our role in these matters, we do offer these preliminary thoughts for OSE and SDCI to consider. We look forward to discussing them in further detail on December 15th.

Process:

- Extend comment period, to be at least 4 weeks, and no longer than 6 weeks.
- Require review and update of tree code at least every 5 years, and following any update to the Canopy Coverage Estimate or the UFMP.
- Adjust payment schedules at all required code review periods including consideration of appraisal values in the Seattle market, and inflation.

Content:

- Define the roles and authority of the new Chief Arborist relative to other city agencies. This would include review of lot subdivision and lot boundary adjustments (SMC 23.24.040 and equivalent) that must meet the requirement to maximize the retention of existing trees. The Chief Arborist would review the criteria for removal of protected trees based on land use zone (SMC 25.11.060, 070 and 080) and have the authority to request alternative design departures and construction techniques within existing critical root zones to retain Exceptional trees and groves.

- Restore Single-Family tree requirements arbitrarily removed without a SEPA FEIS within the 2019 legislation for Single-Family zoned properties that include one or more accessory dwellings (former SMC 23.44.008.I). This would include ensuring 2 inches caliper trees for every 1,000 square feet of property required.
- Expand participation in the Single-Family tree retention and planting requirements to include properties not being developed (i.e., subdivisions, renovations, additions, and sewer work).
- Remove replacement exemption for emergency actions, all removed trees (included deemed hazard trees) must be replaced by equitable canopy at tree maturity per SMC 25.11.090.
- Improve SMC 25.11.040, Restrictions on Tree Removal, to require that Exceptional and Heritage trees outside development may not be removed unless hazardous per ISA risk assessment.
- Avoid potential property buyers requesting from property owners tree removal as part of the sale and closing by restricting applications for development to be postponed for 18-months following significant tree removal.
- Increase resources of City to engage arborists to monitor and enforce removal of significant trees on undeveloped lots not undergoing development without an approved land use or construction permit.
- Require that trees planted as replacement for previous removals must be tracked and may not be removed unless imminently hazardous.
- Require that significant tree removals and replacements for all exempt public agencies must be reported quarterly along with non-exempt removals.
- Require that no more than two trees within a 36-month period may be removed from a property without a tree removal permit or a development permit.
- Enforce and expand incentives to retain significant trees that may include allowing an increase in height of building or reduced parking requirement (SMC 23.54.015 and 030) or reduced yard setbacks to retain existing significant trees.
- Require plans adopted by major institutions to comply with ordinance 25.11.150.
- Define a Tree Replacement and Preservation Fund, including (a) tracked depository for in-lieu-of payments and restoration fees for enforcement action, (b) institutional and individual donations for tree planting and preservation, and (c) purchase of conservation easements.
- Pursuant to replacement requirements for exceptional and significant trees (SMC 25.11.090), require replaced trees to be maintained for life of project or at least 30 years, and replacement tree pruning to be conducted within ANSI standards, and regular watering between May – Sept for the first five (5) years after planting.

- Triple the incentive value to retaining existing trees within Directors Rule DR 11-2020, the ‘Standards for Landscaping, including Green Factor’. The scoresheet can be found on the Seattle Green Factor [webpage](#)¹. Currently, a bioretention structure is scored to the same value of an existing tree being retained, despite the fact that a structure does not offer any canopy cover value or any habitat for birds and tree-associated habitats.
- Reinstate the native species: Black Cottonwood (*Populus balsamifera* ssp. *trichocarpa*), Bitter Cherry (*Prunus emarginata* var. *mollis*), and Red Alder (*Alnus rubra*) on the potentially Exceptional List, allowable at 24 inches DSH, in groves, or with Heritage status.

Sincerely,



Weston Brinkley, Chair



David Moehring, Pos. #8

cc: Mayor Jenny A. Durkan, Council President Lorena González, CM Lisa Herbold, CM Debora Juarez, CM Andrew Lewis, CM Tammy Morales, CM Teresa Mosqueda, CM Alex Pedersen, CM Kshama Sawant, CM Dan Strauss, Michelle Caulfield, Sharon Lerman, Urban Forestry Management Team, Urban Forestry Core Team, Yolanda Ho

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¹ [http://www.seattle.gov/sdci/codes/codes-we-enforce-\(a-z\)/seattle-green-factor](http://www.seattle.gov/sdci/codes/codes-we-enforce-(a-z)/seattle-green-factor)

UFC acknowledges the Coast Salish peoples of this land, the land which touches the shared waters of all tribes and bands within the Duwamish, Puyallup, Suquamish, Tulalip and Muckleshoot nations. As a commission, we are continuing our work to build strong and reciprocal relationships with the Indigenous lands and peoples of this city.