



Julia Michalak (Position #1 – Wildlife Biologist), Co-chair
Joshua Morris (Position #7 – NGO), Co-Chair
Elby Jones (Position #2 – Urban Ecologist - ISA) • **Weston Brinkley** (Position #3 – University)
Stuart Niven (Position #5 – Arborist – ISA) • **David Moehring** (Position # 8 – Development)
Blake Voorhees (Position # 9 – Realtor) • **Jessica Hernandez** (Position #11 – Environmental Justice)
Jessica Jones (Position # 12 – Public Health)

March 9, 2022

Chanda Emery and Mike Podowski
Seattle Department of Construction and Inspections
700 5th Ave, Suite 2000
Seattle, WA 98104

RE: UFC recommendations on SDCI and OSE's proposed tree protections code update

Dear Chanda and Mike,

Duwamish Lands (Seattle, WA) – The Urban Forestry Commission (UFC) thanks SDCI for their work over several years developing a proposal for updating Seattle's tree protection code. Such an update is long overdue, and the UFC is enthusiastically reviewing the proposed ordinance, released without a prior opportunity to comment. Commissioners recognize that the proposal offers some improvements over the existing tree protection ordinance.

The UFC recognizes and appreciates the following improvements over the current code:

- Establishing in 25.11.010 that a purpose and intent of tree protections is to support the goals of the City's Urban Forest Management Plan, specifically those related to existing Citywide policies that commit the City to realize its vision of racial equity and environmental justice.
- Establishing significant trees as any non-exceptional tree 6 inches or greater DSH. However, this comes with the caveat that the only applicable time for the 6-inch standard for protection is for those trees on undeveloped lots. In all other instances, 12 inches is used as the threshold for protection. Why?
- Adding definitions of other relevant terms.
- Adding subsections to clarify conditions, requirements, and process for emergency actions and hazardous tree removal.
- Reducing general threshold size for exceptional tree status from 30" DSH to 24" DSH.
- Establishing a payment in lieu system.

However, the UFC also finds that the proposed changes remove community input from important land use decisions, will lead to management decisions that are not data driven, will continue undervaluing trees, and fail to equitably replace those that are removed.

In brief, we do not believe the current proposal will support the city's stated canopy cover goals.

The proposed changes would remove community input from land use decisions that affect them.

Past and proposed tree policy is complaint based and heavily reliant on citizen oversight. It also is a system that has few avenues for legal recourse, insufficient funding for enforcement and lacks permits. The UFC feels that public involvement in the tree process is critical.

The proposed changes to 23.76.004 and 23.76.006 would establish application of tree provisions as a TYPE I decision within the land use decision framework. These decisions are defined as those that "require the exercise of little or no discretion..." and may not be appealed through a hearing examiner. The UFC is concerned that is too sweeping. For example, a citywide zoning change or clearing of a large urban forest area of exceptional trees and tree groves would likely be a threshold for which a SEPA notice would be warranted, whereas proposed removal of trees within a smaller development may be categorically exempt. The current proposal which may eliminate SMC 25.11 decisions from all Type II discretionary notices and public comment should be reconsidered to ensure appropriate public comment for an appropriate threshold.

Recommendation: Reconsider the current proposal from this perspective.

The proposed changes would maintain a system without permits, where incomplete data is collected inefficiently, where management decisions must be made with unreliable and infrequently updated data, and where enforcement is driven by community-based complaints.

The City has never had an adequate system for tracking tree loss on private property. Without a permitting system, the city must rely on voluntary reporting and infrequent canopy cover analyses to inform management decisions. Both Vancouver, British Columbia, and Portland, Oregon require permits for removal of trees greater than 12" DSH on private property.

Without permits and posting requirements, enforcement will still rely on a complaint-based system from residents. Even when legal tree removal is occurring, residents may be concerned and report the removal.

The proposed changes would require developers to identify significant trees greater than 12" DSH and all exceptional and potentially exceptional trees on site plans. For better data-driven management decisions, it would be more beneficial to have developers inventory all significant trees on sites and to share that information in a format that could easily be integrated with the City's Accela database system. The proposal would continue the cost and inefficiency of relying on City personnel to import the tree data from site plans.

Recommendations:

- Require all significant trees (all trees over 6”) to be included on site plans.
- Any trees previously planted as replacement and/or appearing on property documents should also be included on site plans.
- Implement permit system; explore options to make permits affordable to the landowner.
- Require tree removal posting on-site and online two weeks prior to removal, to be consistent with SDOT requirements.

The proposed changes would continue undervaluing trees.

The current proposal:

- Maintains the removal limit of three non-exceptional trees per year outside of development. The UFC has consistently recommended reducing this number to two significant, non-exceptional trees every three years. Based on observations, it’s difficult to imagine scenarios where landowners need to remove that many trees annually.
- Contains no language expressing an expectation that developers maximize tree retention throughout the development process.

Recommendations:

- Clarify restrictions on tree removal. Current language does not offer guidance for non-exceptional trees greater than 12”. Was the intention of the removal restriction to apply to all non-exceptional significant trees?
- Reduce the number of significant, non-exceptional trees allowed to be removed annually. The UFC’s 2019 draft ordinance recommended a limit of two trees every three years.

The proposed changes will fail to effectively and equitably replace removed trees.

The city has committed to increasing canopy cover and to the extent that tree removal will continue to occur, tree replacement is an essential component that needs to be maximized.

The proposed update only requires replacement trees to “result, upon maturity, in a canopy cover that is at roughly proportional to the canopy cover prior to tree removal.” An “upon maturity” time horizon is too vague to be helpful, and canopy cover is a limited way to think about tree replacement. A mature, 40’-tall Douglas Fir might have a spread of 15 feet, a spread that could easily be replaced by a Japanese maple, which grows significantly smaller but can attain a spread similar to or even greater than Douglas Fir.

The long growth time required for replacement trees to attain the stature of the tree removed results in a lag during which the values and services provided by the replacement tree are far less than what the removed tree previously provided to people and wildlife. The lag time can be reduced by requiring a greater replacement ratio for tree removal. The City’s own standard for tree replacement is 2:1. That is a better starting point.

The proposal would only replace trees that are removed from development or trees that were caused to become hazardous.

Recommendation:

- Maximize tree replacement by requiring replacement of all trees 6" and greater, including hazardous trees, and increasing the replacement ratio when larger trees are removed; these should apply inside and outside of development.
- Require at least a two-for-one replacement of comparable or larger size tree species.

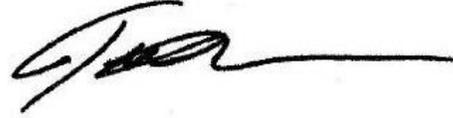
Other comments

We will be adding to our comments and recommendations during future review phases of this legislation. We encourage SDCI and OSE to continue to reference the UFC's 2019 draft legislation.

Sincerely,



Joshua Morris, Co-Chair



Julia Michalak, Co-Chair

cc: Mayor Bruce Harrell, Council President Deborah Juarez, CM Lisa Herbold, CM Andrew Lewis, CM Tammy Morales, CM Teresa Mosqueda, CM Sara Nelson, CM Alex Pedersen, CM Kshama Sawant, CM Dan Strauss, Michelle Caulfield, Sharon Lerman, Urban Forestry Management Team, Urban Forestry Core Team, Marco Lowe

Patti Bakker, Interim Urban Forestry Commission Coordinator
City of Seattle, Office of Sustainability & Environment
PO Box 94729 Seattle, WA 98124-4729 Tel: 206-684-3194
www.seattle.gov/UrbanForestryCommission

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.