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September 9, 2020.

Nathan Torgelson, Director
Seattle Department of Construction and Inspections
700 5th Ave.
Seattle, WA 98124

RE: Urban Forestry Commission comments to draft Director’s Rule 11-2020: Landscaping Standards, including Green Factor

Dear Nathan,

The Urban Forestry Commission (UFC) thanks the Seattle Department of Construction and Inspections (SDCI) for extending the comment period on the [draft Director’s Rule 11-2020](#). In addition, the briefing on the proposed update by Vera Giampietro of the Office of Planning and Community Development (OPCD) and Emily Lofstedt of SDCI on September 2 was very helpful. In particular, the UFC appreciated their inclusion of a detailed response to the UFC’s [December 13, 2018 letter of recommendation](#). The UFC was able to see that several of its recommendations from two years ago, such as increasing the irrigation period from two to five years, were incorporated and explanations behind why other input was not included in this version of the draft update were given. The UFC commends the staff on their examination of the comments provided by the public and by the UFC and their work to incorporate those comments that don’t require an ordinance update.

The UFC would like to provide the following comments for SDCI’s consideration:

1. Title of Director’s Rule

The title of the Director’s Rule: "Standards for Landscaping, including Green Factor" is misleading. The background section of the rule’s text goes into the zones this rule applies to, but the concern is that the majority of the land within Seattle is zoned Single Family (which comprises 56% of the land area in Seattle) and the public would have to access the rule from the main Director’s Rule website to understand where the rule applies. The UFC recommends changing the Director’s Rule title to: “Minimal Landscaping and Green Factor Requirements in Multifamily, Commercial, Seattle Mixed, Downtown, and Industrial Zones.”

2. Protection of Existing Trees and Increasing Tree Canopy

Regarding the need to protect existing trees and increase tree canopy over time, the UFC would like to refer you to its August 12, 2020 letter to SDCI entitled "[Urban Forestry Commission \(UFC\) comments on SDCI Director's Rule 13-2020.](#)" The following text is from the referenced letter:

"The UFC recommends adding language on the scope and intent of the Director's Rule 13-2020 to capture current code's intent to maximize retention of existing trees 6 inches DSH and larger throughout the development process. Proposed new text to be added to the Director's Rule: "To meet Seattle's 2035 Comprehensive Plan goals and tree protection code, all development projects in all zones across the city shall be designed to maximize the retention of existing trees 6 inches DSH and larger."

The inclusion of this provision would not limit the development potential of a lot as it still allows SDCI the authority to approve removal of significant trees and exceptional trees if necessary, to complete a project. Clarifying that a development project must be "designed to maximize the retention of existing trees" would, however, give SDCI the authority to stop unnecessary clearcutting of lots that is occurring as well as excessive and unnecessary removal of trees not impacted by the development. The priority should be to protect existing trees that are already providing environmental services and benefits to the city, rather than planting replacement trees for those removed. Policies for the protection of exceptional trees would not be altered."

"Maximizing the retention of existing trees" throughout the development process is consistent with the goals of the 2035 Comprehensive Plan, the 2013 UFSP, SMC 23, SMC 25.11, and is needed to reach Seattle's goal to increase tree canopy citywide to 30% by 2037. The letter cited above contains additional background information in support of this position. Below are highlights of the UFC's position as stated in the August letter.

[Seattle 2035 Comprehensive Plan:](#)

It is the City's policy in the 2035 Comprehensive Plan's Environment Section, Land Policies that:

"EN1.1 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."

"EN 1.2 Strive to increase citywide tree canopy coverage to 30% by 2037 and to 40% over time."

[2013 Urban Forest Stewardship Plan:](#)

The same goals as the Seattle 2035 Comprehensive Plan are in the 2013 Urban Forestry Stewardship Plan and both have been adopted by the Seattle City Council.

[Land Use Code SMC 23.02.020 – Content of preliminary plat application:](#)

There are requirements made during platting and short platting to “maximize the retention of existing trees.” This provision is consistent with the goals of the Seattle 2035 Comprehensive Plan and needs to continue through the whole development process. The specific text is included below for reference (**bold text** added by the UFC):

*“The purpose of this Land Use Code is to protect and promote public health, safety and general welfare through a set of regulations and procedures for the use of land which are **consistent with and implement the City's Comprehensive Plan**. Procedures are established to increase citizen awareness of land use activities and their impacts and to coordinate necessary review processes. The Land Use Code classifies land within the City into various land use zones and overlay districts in order to regulate uses and structures. The provisions are designed to provide adequate light, air, access, and open space; **conserve the natural environment** and historic resources; maintain a compatible scale within an area; minimize traffic congestion and enhance the streetscape and pedestrian environment. They **seek to achieve an efficient use of the land without major disruption of the natural environment** and to direct development to lots with adequate services and amenities.*

3. Protect trees during development that are not impacted by the development

Portland, Oregon faced a similar situation as Seattle's with unnecessary loss of existing trees due to clear-cutting entire lots during development. In 2018, Portland amended their tree code to address unnecessary tree loss. The UFC urges the preservation of trees not within development footprints to help maximize the retention of existing trees. This intent is already included in the 2013 Urban Forest Stewardship Plan which has as a Priority Action to “*Preserve existing trees, because it takes decades for most trees to reach their ultimate size, trees growing in Seattle generally provide immediate and ongoing benefits that cannot be matched by small/young replacement trees.*”

While Green Factor awards credits for trees preserved, the UFC is concerned that without additional guidance to maximize the retention of existing trees, mature/established trees not directly impacted by the development will be lost, making reaching the City's canopy goals much more difficult.

The following text provides references to Portland's recently updated code:

Portland, OR - [Amendments to Title 11, Trees, Regarding Trees in Development Situations, Became Effective March 16, 2018](#)

"Trees are subject to the preservation requirements of PCC 11.50, Trees in Development Situations, ONLY IF ground disturbance impacts the Root Protection Zone of at least one regulated tree. Removal of trees through a development permit is no longer allowed if no regulated tree faces an impact by the development."

4. Multifamily versus Low rise

The text in the draft rule refers to low rise but leaves out mid-rise and high rise. These zones are now referred to collectively as Multifamily in SMC 23.45. Please update the rule to reflect current code language.

5. Other Code sections regulating trees

The new draft rule says it only covers SMC 23 - Land Use Code. The two prior Director's Rules on Landscaping more explicitly discussed the interplay of code regarding trees. This is a valuable piece of information showing the need to understand the code as a whole.

The following is an excerpt from Director's Rule 30-2015, *"supplements and interprets landscape requirements in the Land Use Code (SMC Title 23), State Environmental Policy Act (SEPA) regulations (SMC Chapter 25.05), Environmentally Critical Areas (SMC Chapter 25.09) and Tree Protection Code (SMC Chapter 25.11). In the event of a conflict between the requirements of the Seattle Municipal Code (including the Shoreline Master Program, Stormwater Code, Land Use Code, and ECA requirements) and this rule, code requirements prevail."* While it mentions the Tree Protection Code, it does not say which prevails in the event of a conflict. This type of clarification is needed.

Going back to [Director's Rule 10-2011](#), it was more explicit regarding Tree Protection under SMC 25.11. It said *"Preservation of certain trees is required by the tree protection code. SMC Chapter 25.11. For more information see Client Assistance memo (CAM) 242 "Tree Protection Regulations in Seattle."*

There are provisions in SMC 25.11 - Tree Protection, that do prevail and landscapers need to comply with. If an exceptional tree is on the property, and is not affected by the building project, it is protected and can not to be removed. The draft Director's Rule does not address this provision.

Another major concern the UFC has is a lack of enforcement and knowledge about the need during development to replace any trees 24" DSH or larger and all Exceptional Trees removed. SMC 25.11.090 states:

"Each exceptional tree and tree over two (2) feet in diameter that is removed in association with development in all zones shall be replaced by one or more new trees, the size and species of which shall be determined by the Director; the tree replacement required shall be designed to result, upon maturity, in a canopy cover that is at least equal to the canopy cover prior to tree removal. Preference shall be given to on-site replacement. When on-site replacement cannot be achieved, or is not appropriate as determined by the Director, preference for off-site replacement shall be on public property."

6. Require removal of all invasive species when a lot is being developed

Though it was mentioned during the September 2 UFC meeting that the removal of invasive plants on the entire lot will be included in subsequent drafts, the UFC is choosing to include this as a comment because the draft version currently available does not include this stipulation.

Invasive plants, like English ivy, are killing many trees in Seattle and the City needs to be aggressively responding by requiring their removal. Removing invasive vegetation when a project is being developed is an efficient and effective approach. On Page 3 - under invasive species - a 10-foot buffer will quickly be overrun if an invasive species like English ivy is on the property. It should be the responsibility of the property owner to remove all invasive species when a property is being developed to help protect both preserved and new plants and trees.

7. Differentiate when using Green Factor in the right-of-way whether power lines are present or not

When trees are planted in the right-of-way, require larger trees to be planted if no power lines are present on that side of the street. Section H. Landscape Elements in the right-of-way, on page 5, does not differentiate between street sides that have power lines and those that don't. Though power lines overhead will limit the size at maturity of trees planted, where power lines are not present, larger trees should be encouraged. The UFC is looking to maximize the size of the tree planted that fits the available space.

8. Do not reduce the size of trees and tree canopy required under Green Factor

The draft rule and current Director's Rule 30-2015 provide a link to a list of trees. Neither of these links are functioning. A link to [Seattle Green Factor Plant List](#) (dated 2010) was found, but contains only 19 tree species and does not indicate their mature size or canopy. The UFC also found the Seattle [Green Factor Tree List](#) (from 2008) and is using it to provide input. The table below compares the canopy spread of the 2008 list with the canopy spread proposed for the 2020 draft rule:

Tree size (2008 list)	2015 mature tree height	2008 mature canopy spread	2008 average canopy spread	2020 mature canopy spread
Small (45 trees)	15 feet	10-30 feet	18.9 feet	8-16 feet
Small/Medium (43 trees)	25 feet	15-40 feet	22.0 feet	16-21 feet
Medium/Large (38 trees)	30 feet	15-40 feet	29.9 feet	21-26 feet
Large (37 trees)	40 feet	30-80 feet	37.7 feet	26+ feet

It appears that a revised tree list based on the tree canopy width given in the 2020 draft Director's Rule would significantly reduce the canopy width in each category compared to the 2008 list. This would give much smaller trees a higher Green Factor credit than they currently receive. The UFC is concerned about smaller trees with less canopy at maturity being planted or

preserved using the smaller canopy spread sizes proposed when larger species would be able to be planted. Trying to increase tree canopy citywide to reach the 30% goal in the 2035 Comprehensive Plan (and the 2013 Urban Forest Stewardship Plan) by 2037 becomes that much harder as large trees are removed or not planted and are replaced by smaller trees with less canopy area. Finding a way to encourage, and reward accordingly, the use of the largest appropriate tree for the space would better support the City’s canopy cover goals. All trees should award more points than permeable pavement or green roofs.

Tree canopy width (area) is only one factor when looking at the value of tree size. Volume is more important in terms of the overall benefits that trees provide and includes taking into account the height of the tree.

9. Develop one recommended tree list of sizes and canopy

To further the discussion from the briefing provided, the UFC compiled the table below to summarize the difference between SDOT’s and SDCI’s tree lists. The two lists have different size names and different canopy spreads. It is the UFC’s understanding that a single tree list is something that is not being pursued at this time. Trees in the right-of-way can be used for Green Factor. Having different size tables and classification makes is confusing when Green Factor can include both trees on a lot and street trees. There needs to be one tree list for all City departments. The UFC recommends that the City take the time to standardize the tree lists between all departments. A single, more expansive tree list that clearly states recommended species for under power lines and within the right-of-way would avoid confusion. The UFC would be happy to work with City departments to support this effort.

SDOT’s list	Canopy size		SDCI’s Rule 11-2020	Canopy size
Small	10-30 feet		Small	8-16 feet
Medium	20-40 feet		Small/medium	16-21 feet
Medium-large	25-40 feet		Medium large	21-26 feet
Large	35-50 feet		Large	26+ feet

10. Attach Green Factor Tree List to SDCI Director’s Rule

To simplify references, the UFC thinks it makes sense to attach any tree and plant list to this Director’s Rule rather than asking someone to go elsewhere to find it.

11. Signage

Within the discussion of signage on page 12, clarify that signs should be posted both for tree protection areas and also for tree removal applications. Photographs and measurements of all trees should be included in any plan to remove trees. Data for tree removal and replacement and retention should be in a data form that SDCI can easily enter into its database system. Because a lot of the current code enforcement regarding trees is complaint-based, the UFC recommends posting tree removal and replacement permit applications for two weeks prior to trees being removed in a location that is visible from the street and with a yellow ribbon on the tree. This information should also be included online associated with the property.

12. “Arborist” Report

On page 19, the UFC recommends adding “arborist” to the “report” needed to reduce the basic tree protection area. “Arborist report” is the term used in the 2015 Director’s Rule. An arborist’s report is needed for reducing a tree protection area.

13. Landscape Management Plan

On page 21, the draft Director’s Rule discusses the Landscape Management Plan. Though irrigation is called out as an element, a watering schedule should be included. Also, the Landscape Management Plan should be submitted to the City for review and recorded so that it can be acknowledged and verified that it will work.

14. Attachment A

Attachment A that begins on page 22 is out of date. The Landscape Improvement Checklist is for Director’s Rule 10-2011. Also, per UFC comment 13 above, it will need to be corrected to note that it needs to be submitted to SDCI along with the Landscape Management Plan.

15. Bond

The UFC does not agree with not requiring a bond as was included under Section 4b within the Permit Requirements section in the Director’s Rule 30-2015. A bond would appear to be a good option to have to ensure completion of landscaping when it is delayed.

16. Adequate soil volume must be available for trees to live

A table is given for soil volume for trees in containers, but one is not given for trees planted in the ground. During the briefing, it was acknowledged that there is concern that requiring a certain soil volume may jeopardize a development project. Green Factor incentivizes larger trees and if there is insufficient soil to support those trees, the trees will not be healthy and may be more vulnerable to environmental damage. This situation turns the additional points awarded by Green Factor for a large tree into a liability instead of an asset.

The planting standard specifications included for reference discuss only the planting requirements and not the long-term space needed for the tree to grow. The standard plans referenced also apply to the right-of-way conditions, such as “Deciduous Tree Planting in Planting Strip” and do not apply to private property. The UFC would like the City to reconsider not including minimum soil volumes appropriate to the tree sizes being planted.

On Page 4, under G. - Soil and Mulch item it says: “Additional soil requirements for trees are listed in section II.5 of this rule.” It is not clear where this is as there is no section II.5.

17. Tree and Urban Forestry Protection Manual needed

Though likely beyond the Director’s Rule scope, the UFC recommends that SDCI considers an overarching Tree and Urban Forestry Protection Manual. SDOT has a Tree Manual and so does the City’s Stormwater program. Rules and regulations regarding trees need one place for people to easily find the relevant information. Asking developers, homeowners, and others to

search through numerous documents and locations to find information makes it hard for people to understand what the rules are and how to comply.

The UFC appreciates the opportunity to provide input to this effort and looks forward to remaining involved as the City continues to move forward much needed updates to tree protection legislation.

Sincerely,



Weston Brinkley, Chair



Sarah Rehder, Vice-Chair



Steve Zemke

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, Jessica Finn Coven, Christina Ghan, Chase Kitchen, Michelle Caulfield, Vera Giampietro, Emily Lofstedt, Urban Forestry Management Team, Urban Forestry Core Team, Yolanda Ho, Austin Miller

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