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**Jessica Jones** (Position # 12 – Public Health) • **Shari Selch** (Position # 13 – Community/Neighborhood)

March 10, 2021.

Nathan Torgelson, Director  
Seattle Department of Construction and Inspections  
700 5<sup>th</sup> Ave  
Seattle, WA 98124

RE: Additional Urban Forestry Commission (UFC) comments on SDCI Director’s Rule 13-2020

Dear Nathan,

The Urban Forestry Commission (UFC) wrote to you on August 12, 2020 to provide [comments](#) on the [draft Director’s Rule 13-2020](#) for Exceptional Trees, specifically showing support for expanding it to provide clear guidance on significant tree protection; tree care providers; hazard trees; and SEPA. Mayoral [Executive Order 2017-11](#) ordered the Rule to be updated nearly five years ago. Urban Forestry Commissioners participated in several deliberative sessions with SDCI and OSE staff to discuss the rule update and provide input.

The UFC would like to take this opportunity to re-address some of its main comments and concerns, as well as provide some additional thoughts for your consideration in moving forward with the adoption of this Rule, which will play a critical role in protecting Seattle’s trees.

**Finalize and approve Director’s Rule 13-2020 immediately**

The UFC recommends that SDCI move forward as soon as possible with any of the draft changes to the Director’s Rule that are actionable without the need for additional legal review. The UFC urges the immediate approval of the Director’s Rule. If particular components need additional legal review, the UFC recommends moving those components forward in a subsequent Director’s Rule or updated Tree Protection Ordinance and associated Director’s Rule; this would allow the remainder of the Director’s Rule to move forward immediately. Following approval of an amended Director’s Rule 13-2020, the UFC recommends SDCI turn its full energy to working towards meaningful update to the tree protection and mitigation policy and code.

**Removals during development**

It is essential to include language into the Director’s Rule that prevents a property owner claiming that the risk category of an Exceptional tree, or any protected tree, can be deemed high or extreme *following* the development of a site, leading to the permitted removal of the tree before any development project begins. A Tree Risk Assessment is based on observations made in the present, so it

is not acceptable to claim a tree will not survive the construction process, when it is a recognized fact that trees can be adequately protected during construction and retained during and after the completion of the project. The UFC urges the removal of the bullet: “When development is proposed and allowed per Chapter 25.11, the likelihood of survival after construction” as a criterion for high risk designation. Additionally, it is possible to design new buildings around existing trees, even large ones, as is required under 25.11.070 and 25.11.080. SDCI should enforce and incentivize the use of these provisions in all development projects. The UFC continues to recommend strong enforcement of current 25.11.090 for replacement plantings of removed Exceptional trees and include these trees in the newly developed Tree Tracking Worksheet.

The UFC encourages ongoing conversations on when and how Seattle chooses to protect trees. Under the current SMC 25.11, Exceptional trees on property being developed can be removed if the property owner claims the existence of the tree prevents them from reaching their development potential, even if the trees are completely healthy and present a low risk of failure. However, if a property owner who is not developing their property would like to remove an Exceptional tree, they have to hire an ISA Certified Arborist with the current Tree Risk Assessment Qualification (TRAQ) to carry out a Tree Risk Assessment and determine that the tree is high to extreme risk of failure. The latter ensures that trees of good health and structure are retained and protected in Seattle, but unfortunately, the former does not and is resulting in the removal of Exceptional trees during the development process on all types of property, in all parts of the City. The UFC would like to participate in discussions about these different situations allowed by current code.

#### **Updating the Exceptional Tree List (Table 1)**

Highlighting the importance of native conifers, the UFC recommends that all native conifer trees receive a higher level of protection and, in addition to the 24” threshold for all trees, that Douglas-fir, Western red cedar, Western white pine, Western hemlock, and Grand fir, all be categorized as ‘Exceptional’ at 12” DSH. Conifer trees provide the highest level of ecological services within urban environments in the Northwest, as well as many positive benefits to human health and wellbeing, and even property value. Native conifer trees are also perhaps the easiest and least expensive trees to maintain, as unlike many deciduous trees, which have less predictable growth habits, conifers focus their growth upward with their horizontal branches growing to help balance the stem and provide energy production. This results in a far easier tree to maintain as once the lower branches are pruned around any structures, there is very little need for any additional pruning into the future.

Protecting the many conifers already existing in the city will be one of the best ways to actively preserve urban canopy cover (and volume), without impacting much of the existing or planned infrastructure. Planting more native conifers should also be actively encouraged by SDCI during new construction projects, especially if existing trees are removed during the process, as they grow relatively quickly and as mentioned previously, they are relatively cheap to maintain. Currently there are fewer native conifers in Seattle than deciduous trees, which is strange in the supposed Emerald City in the Evergreen State!

As part of updating the Exceptional tree list, the UFC recommends adding in native species that are currently excluded from the list. This includes adding in red alder, bitter cherry, and black cottonwood trees, which grow quickly and provide essential benefits to humans and wildlife alike. These trees are often considered negatively within the urban environment, generally due to their relative short lifespan (compared to native conifer trees) and their structural issues, but neither of these concerns are valid reasons to not encourage their protection at a time when we need as many existing trees as possible to combat the effects of climate change, including the increasingly measurable heat island effect in urban

environments where there is significant tree loss. In fact, fast-growing native trees are very much needed at a time the City of Seattle is looking to increase canopy cover. The structural issues in trees can be addressed when trees are young, as well as when they are older and larger, if property owners are able to find experienced, knowledgeable, and proactive arborists to help recommend management plans for their trees.

**Next Steps**

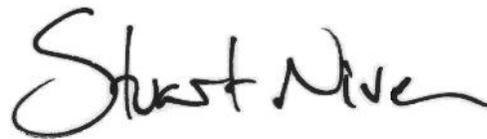
Currently, the City lacks meaningful data to make informed policy decisions. The UFC recommends additional use of the Tree Tracking worksheet, integration of tree data into the Accela system, and the use of a permit system for tree work, removals, and plantings as authority is currently given to SDCI under 25.11 and a future ordinance could improve.

The UFC looks forward to additional conversations with SDCI and OSE on updating the Director’s Rule and on revising the Tree Ordinance, including moving forward with a Director’s Rule update on mitigation for tree removals.

Thank you,



Weston Brinkley, Chair



Stuart Niven

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, Urban Forestry Management Team, Urban Forestry Core Team, Yolanda Ho, Austin Miller

Sandra Pinto Urrutia, Urban Forestry Commission Coordinator  
City of Seattle, Office of Sustainability & Environment  
PO Box 94729 Seattle, WA 98124-4729 Tel: 206-684-3194 Fax: 206-684-3013  
[www.seattle.gov/UrbanForestryCommission](http://www.seattle.gov/UrbanForestryCommission)