



City of Seattle
Urban Forestry Commission

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April 14, 2021.

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

RE: Additional recommendations on SDCI draft Director’s Rule 13-2020

Dear Nathan,

The Urban Forestry Commission (UFC) wrote to you on [August 12, 2020](#) and again on [March 10, 2021](#) 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. Executive Order [2017-11](#) ordered the Rule to be updated nearly five years ago. Urban Forestry Commissioners have 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 further address some additional specific concerns for your consideration, mentioned in ‘Next Steps’ in our previous letter, in moving forward with the adoption of this Rule, which will play a critical role in protecting Seattle’s trees.

Additionally, the UFC has previously recommended, as a component of the [UFC’s version of a revised Tree Protection Ordinance](#) in 2019, a series specific items meaningful for the update of the Director’s Rule. The UFC would like to summarize them here as an addition to our previous Director’s Rule recommendations.

Finalize and approve Director’s Rule 13-2020 immediately

Again, the UFC first must recommend that SDCI move forward as soon as possible with any of the draft changes to the Director’s Rule that are actionable without the expensive, redundant, and repetitive additional legal reviews. If particular components need additional legal review, the UFC recommends moving those components forward in a subsequent Director’s Rule or as part of an 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.

Tree Assessments and Tracking

Many communities identify minimum arborist assessment provisions within a guide, such as [Kirkland](#). The Seattle Municipal Code identifies the expected submittal standards for many architectural, engineering, and environmental reports, but it does not get into the same level of detail when referring to arborist reports. The UFC believes that thorough standardized arborist reports would create more equitable outcomes by standardizing reviews. Also, providing more certainty for developers with a streamlined process with clear expectations for tree protection could mitigate perceived cost increases due to enhanced tree protection.

The UFC recommends that arborists reports collect more information, with a more standardized approach, and that such reports be required in a wider variety of situations.¹ The UFC recommends arborist reports be required whenever a [permit for a property is pulled](#),¹ or when tree work takes place involving significant, exceptional trees, Heritage trees, or tree groves. The [Tip 242](#): “Tree Protection Regulations in Seattle” must be updated to be explicit about arborist involvement and expectations.²

Since the reviews for tree preservation plans during construction are to be in accordance to standards promulgated by SDCI’s Director, the UFC recommends the following 10 items (based on the list from the [American Society of Consulting Arborists](#)) which will define arborist tree assessment reports, including:

- 1) Limits of the Assignment (Scope of Services).
- 2) Purpose and Use of the Report.
- 3) Arborist Observations (written description and images).
- 4) Analysis (tree measurement, visual assessment).
- 5) Discussions (tree condition, suitability for preservation, design considerations).
- 6) Construction Impact Ratings.
- 7) Specific Critical Root Zones (and Tree Protection Zones) for the property.
- 8) Arborist Conclusion and Recommendations.
- 9) Where referenced in lot subdivision and design development standards, a coordinated evaluation of options with the design consultant to maximize preserving existing significant trees to the extent that is reasonably possible, and
- 10) Appendix (as needed) - Site Map, Tree Survey Data, Sample Protection, Bibliography, Assumptions, Certificate of Performance.

SDCI should include within the Tree Tracking database system all Significant trees on the site; trees removed; trees preserved; and trees replaced; noting at a minimum: tree species, common name, DSH, height, condition and location. Exceptional trees, Heritage trees, and tree groves should be noted as such in the Tree Tracking database system. Categories and criteria should be used for optimal alignment with SDOT tree tracking systems as well as Accela permit tracking.

SDCI should file with OSE quarterly reports to the City Council and relevant City Departments regarding all data collected from its Tree Tracking Worksheet including trees surveys, removed, and planted.

Tree Care Provider Acknowledgment

The Director’s Rule, as guided by both Seattle Ordinance and Executive Order is to contain a registry and code of ethics of work acknowledgement, similar to the one currently in use by SDOT. In addition to the elements outlined in the draft Director’s Rule, the UFC recommends the further additions and

¹ <http://www.seattle.gov/trees/regulations>

² <http://www.seattle.gov/DPD/Publications/CAM/cam242.pdf>

clarifications included with the goal of closing loop-holes and increasing effectiveness of such a measure.

Tree Care Provider needs to be defined. The UFC recommends using the Washington State Labor and Industries (L&I) classification as anyone registered with L&I to conduct “Tree Care and Pruning Services.” The UFC also recommends considering requiring anyone doing tree work to register with such a classification. Additionally, the UFC recommends defining “tree care providers” as provided in the current draft Director’s Rule. Often times, illegal tree work is not carried out by professionals of any kind, meaning that focusing regulations only on formal business entities creates a large incentive for informal, untrained workers to conduct tree care. This is both unsafe and likely leads to unneeded tree destruction. The UFC recommends that “tree care providers” be defined as anyone removing or substantially pruning any Significant tree (DSH 6” or greater). Tree service providers should be registered within the State, licensed, bonded, and insured as well as comply with any requirements that would allow them to do business in Seattle.

The Acknowledgement Form signed by tree care providers should include specific reference to ANSI300 standards for tree care and required guidelines for maintaining an arborist certification. Additionally, the form should contain specific mention of prohibiting the advertising or selling of services under inaccurate claims of tree health, or personal or property safety.

The UFC looks forward to continuing to support the City in advancing the tree regulations update effort.

Thank you,

A handwritten signature in black ink on a light-colored background. The signature is stylized and appears to read 'W. Brinkley'.

Weston Brinkley, Chair

ⁱ The Seattle Municipal Code only identifies the need for an arborist in limited circumstances and without definition of the work expectations in order to equitably evaluate projects and tree conditions. In fact, the code states “Tree preservation plans shall provide for protection of trees during construction according to standards promulgated by the Director.” The limited sections are:

1. [15.43.050 - Tree Service Provider credential requirements](#) for streets, parks and public places.
2. [23.44.020 - Tree requirements](#) for just residential single-family zones only when a tree preservation plan is called for.

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3. [23.84A.002 - "A"](#) – definition of arborist without definition of the work expectations in order by equitably evaluate projects and tree conditions.
 4. [25.30.070 - Approval of significant changes to buildings, structures, and other property just for Sandpoint Naval Air Station.](#)

The Code does require tree care professional in many instances, including but not limited to:

1. 23.60A.190 - Standards for vegetation and impervious surface management for tree risk assessments,
2. 23.51B.002 - Public schools in residential zones for tree planting provisions.
3. 25.09.065 - Mitigation standards for tree planting provisions.
4. 23.44.041 - Accessory dwelling units for tree planting provisions.
5. 22.170.070 - Application Requirements for Grading Permits for tree removal and protection.
6. And other locations in the Code.

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

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