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**Joshua Morris** (Position #7 – NGO), Co-Chair  
**Joe Sisneros** (Position #2 – Urban Ecologist - ISA) • **Falisha Kurji** (Position #3 – Natural Resource Agency)  
**Becca Neumann** (Position #4 – Hydrologist) • **Stuart Niven** (Position #5 – Arborist – ISA)  
**Hao Liang** (Position #6 – Landscape Architect – ISA) • **David Moehring** (Position # 8 – Development)  
**Blake Voorhees** (Position # 9 – Realtor) • **Laura Keil** (Position #10 – Get Engaged)  
**Jessica Hernandez** (Position #11 – Environmental Justice) • **Jessica Jones** (Position # 12 – Public Health)  
**Lia Hall** (Position #13 – Community/Neighborhood)

July 20, 2022

Chanda Emery  
Seattle Department of Construction and Inspections  
700 5<sup>th</sup> Ave, Suite 2000  
Seattle, WA 98104

RE: UFC continued recommendations on proposed tree protections code update

Dear Chanda,

Duwamish Lands (Seattle, WA) – The Urban Forestry Commission (UFC) strongly supports an updated Urban Forest Protection Ordinance. The UFC believes that an updated ordinance is critical to achieving many of our urban forest protection goals including:

1. Maintaining and growing the urban forest – specifically in areas in neighborhoods with inadequate tree cover and that have been historically underserved by ecosystem services, including those impacted by heat island effects.
2. Protecting large, healthy trees from being cut down.
3. Minimizing the removal of any tree > 6” DSH, which are the large, healthy trees of the future.
4. Maximize tree replacement planting to offset tree losses.

The UFC recognizes that there can be tension between increasing tree protections and reducing barriers to developing missing middle and affordable housing. Like canopy equity, addressing the housing crisis is an important racial and social justice issue as well as a critical component of addressing the city’s homelessness crisis. Increased density in urban areas also has numerous environmental benefits, including reduced housing pressure in suburban and exurban areas where forests are also at risk and reduced commute times, which can reduce greenhouse gas emissions from transportation.

Despite the tensions, the UFC believes the City can achieve its canopy, equity, and development goals with careful policy design. With the ideal of growing both the city and our urban forest in mind, we have reviewed the proposed ordinance from SDCI and have the following general recommendations. The UFC will request meetings with SDCI to discuss specifics.

## Tree replacement requirements

When trees cannot be protected during development, tree replacement is the best option for investing in our future forest canopy. The costs of planting and maintaining a replacement tree through its establishment period are minimal relative to development costs. In addition, replacement trees offer an opportunity to ensure that newly planted trees are planted at an appropriate site where the tree can be protected from future development. Because of the relatively low cost to developers of tree replacement, the UFC strongly recommends that SDCI increase replacement requirements.

The UFC believes that current tree replacement requirements in the SDCI draft ordinance are inadequate.

The UFC requests that the following be incorporated into the ordinance:

- All trees 6" DSH or greater are included on site plans and replacement is required for any such trees removed in the development process.
- Higher replacement ratios are important. We recommend an inch-for-inch at time of planting replacement requirement as a clear and simple guideline (e.g., a 30" tree removed would be replaced by five 6" trees).
- Consider ways to incentivize use of conifers in replacement and prioritize native and climate resilient trees that contribute to habitat value.
- Require adequate soil volume for roots and space for canopy for replacement trees at maturity as necessary. We recommend using the critical root zone to measure total area needed for tree protection as opposed to the drip line, as used currently<sup>1</sup>.
- Provide guidelines for establishment to ensure tree health and survivability, require a five-year establishment period for replacement trees to ensure survivability, and incorporate processes to assign responsibility and ensure successful establishment.
- Consider a city program or partnership with an existing organization(s) to provide assistance for tree establishment to homeowners who would be unduly burdened by establishment requirements.
- Ensuring that replacement trees are protected and not subject to removal, potentially by considering them exceptional trees.
- A robust payment-in-lieu program that adequately establishes prices based both on tree size and on their ecosystem services and community values lost, and ensures adequate funding to support the trees throughout their five-year establishment period.
- Establishment of a dedicated Tree Replacement and Maintenance fund (so that funds do not go into the SDCI budget as fines currently do). Allow this Fund to not just accept in lieu fees, but accept donations, fines and grants, and be used to purchase land, set up covenants, and for educational purposes. Portland has this type of Fund<sup>2</sup>.

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<sup>1</sup> [https://nature.berkeley.edu/garbelottowp/?qa\\_fags=what-is-the-critical-root-zone](https://nature.berkeley.edu/garbelottowp/?qa_fags=what-is-the-critical-root-zone)

<sup>2</sup> <https://www.portland.gov/code/11/15>

- Removal of hazard trees should generally require replacement.

### **Tree removal allowances**

The UFC strongly supports lowering the threshold for an exceptional tree to 24" DSH. This is a significant improvement in protection.

The UFC would like to see improvements in the development process so that protection of large trees is considered at the outset of development as opposed to during the review phase when considerable resources have been spent developing a site plan. Developing a process for developers to consult with SDCI at the project development site prior to drafting plans could result in improved outcomes for trees without causing costly development delays.

The UFC requests that SDCI:

- Require a Tree Inventory of all trees 6" DSH and larger and a Tree Landscaping Plan prior to any building permits being approved.
- Require all 6" DSH and larger trees be on site plans. This will bring the tree code into alignment with SMC 23.22, which currently requires trees 6" DSH and greater to be indicated on site plans during platting/subdivision.
- Require and/or incentivize developers to hire certified Arborists to guide them through the project development process.
- Require that retention of all existing trees (not just exceptional) be maximized throughout the total development process with adequate room for trees to grow, and provide incentives to developers for tree retention, such as increased building height and reduced parking requirements.
- Require tree replacement or in lieu fees by developers for trees removed one year prior to property purchase.

Outside of development, the UFC strongly recommends lowering the number of trees property owners can remove from 3 per year to 2 every 3 years. Because this requirement occurs outside of the development process it would protect trees without having an adverse effect on development of new housing. We recommend creating incentive programs for property owners to retain large trees.

### **Exemptions from the Ordinance**

There are or may be requests to exempt projects from the ordinance requirements. One potential exemption would be for the development of affordable housing. The UFC does not want urban forest protection policies to hinder development of affordable housing. However, we would also like to note that affordable housing residents also deserve the benefits provided by urban trees. As a result, we do not recommend exempting affordable housing development from requirements that ensure trees and greenspace are protected and included in the housing design.

### Other requests and priorities

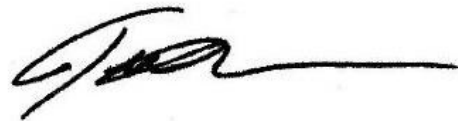
- Tree removal and replacement tracking data are needed to inform effective policy. As a result, **requiring permits for tree removal** would provide valuable information that will help inform future urban forest policy and increase public transparency in tree removal and management.
  - Expand the existing Seattle Department of Transportation (SDOT) Tree Removal and Replacement Permit Program, which uses the Accela database system, to include all significant trees 6" DBH and larger, and all exceptional trees, on private property in all land use zones, both during development and outside development.
- Require SDCI to submit quarterly reports to the Office of Sustainability and Environment on tree removal and replacement as required by other City Departments.
- We recommend that the ordinance cover all land use zones in the city (Industrial and Downtown.)

Thank you for your work on tree protections. The UFC looks forward to continuing this discussion and collaboration.

Sincerely,



Joshua Morris, Co-Chair



Julia Michalak, Co-Chair

cc: Mike Podowski, Jessyn Farrell, Michelle Caulfield, Sharon Lerman

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