

Summary of Comments Received on DPD Tree Regulations Proposal Public Outreach Compiled January 14, 2011

The following table summarizes comments received during the public comment period on DPD's Tree Regulations Proposal, first released on July 14, 2010. This document compiles comments received through a September Open House, discussions with four City-formed advisory groups (Urban Forestry Commission, Emerald City Task Force, Planning Commission, Design Commission) and discussions with 16 community and stakeholder groups (Inverness Neighborhood Board, Leschi Community Council, Community Council Federation, Jackson Place Community Council, Pigeon Point Community Council, Squire Park Community Council, View Ridge Community Council, Northwest District Council, North District Council, Northeast District Council, Southeast District Council, Thornton Creek Watershed Oversight Council, Congress for Residential Architects, Save the Trees Seattle, Groundswell Northwest, Magnolia Community Club) as well as letters, emails and other correspondence from individuals and groups. For additional information about the update process, go to www.seattle.gov/dpd/planning/trees/.

DPD received comments ranging from broad critiques to technical advice, representing a wide range of opinions. Overall, residents of Seattle strongly value trees as a cultural and aesthetic amenity as well as a green infrastructure element. Additionally, there was also broad support for City involvement in increasing canopy cover. Discussion of regulatory approaches, however, generated very strong and divergent opinions.

The majority of comments focused on whether the City should develop a tree removal permit system with criteria about when trees can be removed on private property outside of the development process. This discussion tended to produce the strongest opinions and demonstrated a great range of opinions both within communities but also between different areas of the city. In general, residents within the northern portions of the city, where large conifers remain a substantial portion of the canopy, expressed the highest level of support for requiring permits to remove trees, while residents in south and central portions of the city and areas with substantial views were skeptical of the benefit of a permit requirement. Neighborhoods with view covenants shared the most consistent opinion against requiring permits to remove trees. Organized participation (including letter writing campaigns) by advocacy groups predominately supported stronger tree protections. Passionate and vocal supporters of tree removal permits were the most consistently active participants in the process.

Across the city, support for tree removal permits tended to focus on the importance of preserving individual large trees rather than maintaining canopy cover or ensuring replanting. While most constituents appreciated the importance of preserving large trees, support for implementing a tree removal permit system was weaker. Many believed that a permit system couldn't account for the variety of issues and factors that they considered important in tree removal decisions. In particular, support for a permit system tended to decrease as conversations shifted from the general concept to specific scenarios. Common examples cited included the inability to balance conflicting property uses (trees, light, gardens, play areas, views, solar energy, maintenance issues, aesthetics) and consider complex situations such as potential damage to underground pipes or potential damage from storms. The concept of increasing tree canopy through incentives, such as drainage rate rebates, tax breaks, tree giveaways or other programs, generated broader support, but was frequently cited both as an alternative or to supplement a tree removal permit system.

Discussions of development standards during construction were generally less controversial and opinions were more consistent. Generally, there was broad support for ensuring that development projects contribute to canopy cover potential. Support was generally strong for requiring trees in circumstances where they are not currently required, such as for institutions and single family street trees and for development standards that would address tree canopy. In these circumstances there was a prevailing belief that standards needed to be flexible and simple. Support was expressed for a fee-in-lieu system if it could be crafted in a manner that was simple and effective while allowing for geographic equity and achieving the goal of increasing tree canopy. Opinions about the effectiveness of maintenance bonds varied greatly and were limited by the difficulty of weighing known benefits with unknown costs of implementing such as system.

A summary of specific comments is below.

Issue	Comment From
GENERAL COMMENTS	
<p>DPD received numerous comments stating that the proposed regulations should be stronger. These comments tended to emphasize the value of trees including aesthetics, property values, stormwater, habitat, heat island mitigation, noise attenuation, air quality, and climate change. Specific comments included: -</p> <ul style="list-style-type: none"> • trees are critical infrastructure and should be regulated like sewer, water, and electric infrastructure;– • limiting how property owners can use their property is part of living in a community; • proposal lacks quantified science-based value of trees; • strong regulations signal that trees are important; • dislike use of term “burden” in describing costs of maintaining trees; • distrust of canopy cover data and belief that the city’s canopy cover is diminishing; and • large trees present a public benefit that requires mandatory protection. 	Numerous Commenters
<p>DPD received numerous comments stating that the proposed regulations struck a good balance between enhancing tree canopy and other goals. These comments tended to focus on the cost/benefits of any approach and stressing the need to enhance canopy cover in balance with other goals. These comments also tended to focus on the need to give property owners flexibility to use and enjoy their property as well as the desire to avoid disincentives to plant and maintain trees if regulations are too burdensome. Specific comments included: -</p> <ul style="list-style-type: none"> • proposal balances canopy cover goals with other city goals such as growth management, livability, affordability, equity as well as homeowner goals including light access, gardens, play areas, views, solar energy, aesthetics, maintenance costs - • need to create an environment in which trees are valued; • strict regulations and fines discourage people from planting trees– • Regulations would burden properties that have trees while having no impact on properties that do not have trees and thus don’t need to get permits 	Numerous Commenters

<p>A small number of comments expressed that proposed regulations should be weaker. These comments tended to focus on the loss of flexibility for property owners. Comments included: -</p> <ul style="list-style-type: none"> • City shouldn't tell homeowners how many trees they have to have - permit processes are already too long and complicated • City should pay for value of trees if they want to force people to have them on their property. 	<p>Numerous Commenters</p>
<p>Many believe that preservation of large trees is more valuable than planting new trees that will take a long time to grow to a comparable size and may die before getting there.</p>	<p>Numerous Commenters</p>
<p>Numerous comments were received regarding the variety of circumstances that should be considered in tree removal decisions. These include size of tree, tree species, canopy cover, canopy volume, health, likelihood of a tree falling due to age, disease, storms, subsurface events, etc., likelihood of damage to underground utilities, sidewalks, foundations, etc., estimated future lifespan, estimated ecosystem services, space for growth, trees on adjacent lots, views, light access, solar panels, susceptibility to disease, desire for gardens, play areas, buildings, decks, fences, etc.</p>	<p>Numerous Commenters</p>
<p>Many believe that native, conifer, and large-species trees should be encouraged.</p>	<p>Numerous Commenters</p>
<p>The Urban Forestry Commission wrote two letters to the City Council regarding the proposal, that are available at www.seattle.gov/trees/UFcommission.htm#recommendations .In general, the Commission was concerned that the "proposed changes neither preserves nor enhances Seattle's Urban Forest, leaving it more vulnerable to attrition". While they did not recommend a specific approach, they outlined goals for an effective tree protection ordinance and tools to be considered by DPD, in addition to some specific comments. Their proposed goals include:</p> <ul style="list-style-type: none"> • promote a healthy urban forest across the city; • elevate and recognize the urban forest as critical infrastructure Provide stronger protections for larger trees; • ensure public education and outreach is integrated into the release and implementation of the tree protection ordinance; • ensure a comprehensive urban forest management approach; • recognize ecosystem value and wildlife habitat; and • formally adopt and implement the Urban Forest Management Plan. <p>Tools that they encouraged the City to consider included:</p> <ul style="list-style-type: none"> • a permit system to manage, slow down, and document tree removal; • professional standards to ensure safe and competent removal of trees; • tree planting and protection standards to establish best practices; • development standards to mitigate the impacts of increased density; and • mitigation standards to minimize impact and ensure canopy growth over the long-term 	<p>Urban Forestry Commission</p>

<p>The Emerald City Task Force did not produce formal recommendations, however key recommendation from their discussion included:</p> <ul style="list-style-type: none"> • Using incentives to make planting and retaining of trees during and outside of development more valuable than removal; key incentives to consider include: <ul style="list-style-type: none"> ○ Outside development: property & stormwater rate reductions, free trees, tree expertise; ○ During development: allow staging in ROW, allow utility stacking, high value for preservation in tree credit and stormwater code, bonus height or floor area, marketing or green certification, permit expedition. • Marketing the value of trees to community, developers, and buyers; • Recognize complexity of development process (including financing, building, utilities, marketing); • A Single Family Tree credit needs to be closely evaluated to make sure it is appropriate on a variety of lots and allows reasonable solar access; • Fee-in-lieu of retaining or providing new trees could be a useful tool if it funds incentives and allows flexibility for different kinds of lots; • A performance bond is problematic because developer pays it but is not responsible for maintenance. 	<p>Emerald City Task Force</p>
<p>The Planning Commission provided formal comments including:</p> <ul style="list-style-type: none"> • consider an approach weighted toward positive incentives and education rather than one dependent upon penalties; • encourage greater city leadership in using our public right-of-way and parklands to increase our urban tree canopy; • support a multipronged approach to regulating trees on private property that considers multiple and contradictory interests like —sunshine versus shade or density versus open space; • strongly support using a host of strategies and tools that account for trees as infrastructure such as a stormwater rate reductions or tree tax; • encourage development departures to create stronger incentives to preserve existing and valuable trees by allowing homeowners flexibility on height, setbacks, FAR, parking requirements and a host of other development conditions ; • concerned about the efficacy of the tree credit requirement due to its complexity; • strongly support fee-in-lieu programs; • need to further consider the value of a permit system in tracking and preserving trees, as well as their potential value in educating the public about the value of trees; • recommend increasing the value of trees in Green Factor compared to other menu items like green walls; • very cautious about the proposed maintenance bond; and • support proposed standards for industrial areas provided they account for freight mobility and do not unduly limit marine and industrial operations. 	<p>Planning Commission</p>

<p>The Design Commission reviewed the proposal and summarized their comments in meeting minutes available at: www.seattle.gov/dpd/Planning/Design_Commission/Project_Review_Meetings/Minutes/default.asp. Overall, the Commission "applauded the work in general" and provided the following suggestions:</p> <ul style="list-style-type: none"> • Be cognizant of where the issue of tree canopy loss is greatest and how these regulations can mitigate these effects; • Be creative about removal and replacement to allow for high density development (entertaining such ideas as allowing replacement in planting strips in a coordinated way); • Consider how these regulations can have negative consequences on otherwise good development; • Continue to coordinate with SDOT, SPU and other departments to provide incentives for preservation; • Consider how this effort can be integrated with the multifamily code amendments as a way of creating a more seamless process; and • Encourage the planting of native coniferous trees. 	<p>Design Commission</p>
<p>TREE REMOVAL PERMITS</p>	
<p>DPD received numerous comments that the City should require permits for property owners to remove trees. Requests to establish a tree removal permit focused primarily on the benefits of a permit system including:</p> <ul style="list-style-type: none"> • opportunity to require preservation large trees; • opportunity to provide education on value of trees ; • tracking of tree removal ; • opportunity to ensure that arborists are involved ; • opportunity to notify neighbors; • permit process may discourage people from removing trees ; • opportunity to identify trees that are actually in Environmentally Critical Areas, in the Right-of-Way or outside of property lines; and • opportunity to identify potential heritage trees. <p>Other specific comments supporting tree removal permits included:</p> <ul style="list-style-type: none"> • low compliance with permit requirement and difficulties with enforcement are not good reasons to oppose a permit requirement; • other infrastructure elements, such as pipes and wires, require permits to modify so modification of trees should require permits; • requiring notice period before tree can be removed would allow community discussion and might allow neighbors to dissuade applicant from cutting tree if they realize that other people value tree ; and • permits may reduce conflict between neighbors about tree removal since City would make decision 	<p>Numerous Commenters</p>

<p>DPD received numerous comments that the City should not require permits for tree removal. Comments against implementing a permit system focused primarily on the drawbacks of a permit system including:</p> <ul style="list-style-type: none"> • little flexibility to consider issues such as light access, desire for gardens, aesthetics, solar panels, fear of large trees, maintenance issues, potential for future damage to sidewalks, foundations, underground utilities, etc.; • large fees or restrictive requirements for large trees might actually discourage individuals from planting new trees or encourage them to remove trees before they get large; • difficulty to enforce; • cost of permits; • cost of fines for individuals who don't know rules; <p>Other specific comments against requiring tree removal permits include:</p> <ul style="list-style-type: none"> • Requiring notice period before tree can be removed could create conflict between neighbors over removal ; • Regulations could conflict with existing view covenants • Incentives are preferred over restrictions; • May hurt other environmental initiatives if people view City as "nanny state;" and • Permits would burden individuals with trees more than individuals without trees. 	<p>Numerous Commenters</p>
<p>Tree removal permit could inform a city-wide tree inventory</p>	<p>Bill Bradburd</p>
<p>Science should determine whether or not a permit system is needed to meet urban forest canopy goals.</p>	<p>David Miller</p>
<p>City should require individuals removing trees within 20 feet of a park to call the Parks department before removing a tree.</p>	<p>Northeast District Council member</p>
<p>City should consider a two-tiered system that requires a simple low-cost permit for removal below a specified threshold and a more comprehensive tree permit including a tree survey or site plan review above the specified threshold.</p>	<p>Heron Habitat Helpers</p>
<p>City should require individuals to pay for trees that they remove as mitigation</p>	<p>Anonymous commenter</p>
<p>DEVELOPMENT REGULATIONS: TREE CREDITS</p>	
<p>The basic concept of a tree credit requirement for new single family homes received broad support. Specific comments focused on the flexibility of the system and its ability to generate substantially more canopy cover potential than existing requirements. Many people also appreciated that it would easily combine with a fee-in-lieu option.</p>	<p>Numerous comments</p>
<p>Tree credit requirement is confusing. Chart is complicated. Credits make is sound like you should get money for planting trees.</p>	<p>Numerous comments</p>
<p>More credit should be given for preservation of large trees; credit should be based on potential canopy cover volume rather than canopy cover area.</p>	<p>Numerous comments</p>
<p>The credit system should be expanded to include values such as the type of tree, age, health, native/non-native, canopy, historical value, location and place.</p>	<p>Heron Habitat Helpers</p>

DEVELOPMENT REGULATIONS: GREEN FACTOR	
The basic concept of the Green Factor was supported by most commenters although substantial concern was expressed about the value of preserved trees vs. new trees, shrubs, green roofs, green walls, and impervious surface. Multiple commenters felt that preserved trees were undervalued in the system particularly in comparison to green walls and impervious pavement.	Numerous comments
DPD should consider incentives for planting above the minimum green factor score such as cash payments, additional height, additional bulk or faster permits.	Swift and Company, Groundswell NW part.
DEVELOPMENT REGULATIONS: FEE-IN-LIEU	
The basic concept of fee-in-lieu was supported by most commenters, although there was substantial concern that a specific value should be set to discourage off-site planting and to ensure equivalent canopy potential. Other specific comments include: <ul style="list-style-type: none"> • funds raised from fees should be spent proportionally to geographic origin; • funds should not go to maintenance of existing trees; and • funds should not go to parks which are the City's responsibility. 	Numerous comments
DEVELOPMENT REGULATIONS: MAINTENANCE BONDS	
DPD received numerous comments that maintenance bonds should be required. Requests to require bonds focused primarily on their benefits including: helping to ensure establishment of new plants - promote transfer of maintenance responsibility between developer and owner.	Numerous comments
Many comments were received that maintenance bonds should not be required. Opposition to requiring bonds focused primarily on costs and the challenges that accompany maintenance bonds including: <ul style="list-style-type: none"> • developer would be required to pay for bond but couldn't be held accountable for actions of home owner 3 years after they have sold the property; • would need to transfer bond responsibility to homeowner ; • increases cost of development; and • complicated for condominium or townhouse projects where there are multiple owners as everyone would be punished if one owner didn't comply and distribution would be difficult. 	Numerous comments
DPD received multiple comments about the duration of maintenance bonds should one be required. Durations were generally 1, 2, 3 and 5 years.	Numerous commenters
Public projects should be exempted from maintenance bond requirements.	WSDOT
Bonds should apply to public projects and industrial zones.	Save the Trees Seattle
DEVELOPMENT REGULATIONS: OTHER COMMENTS	
City should do more to focus on large trees as they provide substantially more benefit and small trees may not grow to the same size. Numerous comments supported retaining the existing exceptional tree requirements in addition to tree credits and green factor, particularly for single family areas where there is more room to support large trees.	Numerous commenters
City should not do anything that would increase length of time required to get a permit.	Inverness Neighborhood Board member
When considering tree credits, site plans should show trees at a scale consistent with the canopy cover potential.	Save the Trees member
Conifers should receive a greater bonus than native non-conifer trees as they provide much greater environmental benefits for stormwater and climate change.	Anonymous commenter

Requirements shouldn't be based on development potential; they should be based on the existing conditions on a lot.	Steve Zempke
Using development potential as a criterion for permitting tree removal can be problematic if developers can subdivide lots until every big tree interferes with development potential on any resulting lot.	Thornton Creek Watershed Oversight Committee
Consider tax incentives for developers to retain trees.	Anonymous commenter
INCENTIVES OUTSIDE OF DEVELOPMENT	
City should pay property owners for the value their trees have as public infrastructure through property tax credit or stormwater rate credit.	Numerous commenters
Allowing larger SF homes as an incentive to protect existing trees during development may not be a great benefit because new homes that are being built are much smaller than previously; allowing taller low-rise buildings may not be great benefit either because a skinnier, 4-story townhouse is difficult to sell.	Emerald City Task Force
City should consider additional incentives such as exemption from added yard waste charges for cleanup after large deciduous trees during the autumn leaf fall and other in-kind services such as Metro passes, landscaping assistance, museum or aquarium memberships, priority for community gardens, arborist discounts, discounts on understory plants, or other rewards as appropriate.	Save Our Urban Forest Infrastructure
City should create an "Urban Shelterbelts" program. City would reward residents that plant an array of native trees and plants along each side of the backyard property lines in Single Family areas. Rewards would increase exponentially for every property in a block that participates to encourage the establishment of a contiguous greenbelt in the back yards of each participating block. The city could facilitate this by offering workshops, discounted trees and plants, landscaping advice, etc.	
Consider incentives for removal of invasive species.	Steve Richard, Groundswell NW part.
Use sidewalk repair funds to pay for maintenance of trees that damage sidewalks.	Michael Oxman
People who plant more trees should be allowed to have more windows	Groundswell NW part.
Lots without trees could have their property tax increased.	Save the Trees Seattle
ENFORCEMENT	
Penalties for violating code requirements should be levied primarily on tree services and arborists who undertake the tree removal as this group should be familiar with the requirements and feel pressure to abide by them.	Numerous commenters
Enforcement should be better funded.	Numerous commenters
Need to extend hours of enforcement staff to respond to violations after business hours and on weekends.	Leschi CC participant
EXEMPTIONS	
"Hazard Tree" needs to be carefully defined.	Heron Habitat Helpers
Need exemptions for solar access and solar panels.	Squire Park CC part.
Guidelines for solar access needs careful definition as it could also provide a loophole for wholesale tree cutting.	Heron Habitat Helpers
Neighborhoods with view covenants should be exempted from meeting tree requirements.	Northeast District Council member
Tree regulations that apply to public projects should allow flexibility to consider non-prescriptive options, public safety, maintenance, cost, and limited availability of ROW.	WSDOT
Need clearer exemptions for invasive and undesirable trees such as English holly, as well as diseased trees.	Anonymous commenter

OTHER	
Consider licensing arborist to improve standards.	Save the Trees Seattle, Nicholas Dankers
Requiring licensing of tree care professionals could help limit individuals who say trees need to be removed in order to generate additional tree removal business.	Steve Zempke
Consider allowing community service as alternative to fines to encourage productive work.	Nicholas Dankers
City should find a way to stop arborists who use scare tactics to convince people to cut down healthy trees.	Pinehurst Town Hall participant
City should offer free yard waste pickup in the fall. Paying for leaf disposal discourages homeowners from keeping trees.	Jeannie Hale
City should facilitate creation of conservation easements, protecting individual trees in perpetuity if chosen by a property owner. City could develop its own land trust program, act as holder of easement generated by other groups or support the creation of a independent land trust organization focused on this purpose or partner with an existing organization to create new urban land trust mechanisms.	Pinehurst Town Hall participant, Save the Trees Seattle
Seattle City Light needs to reassess tree pruning policy. Putting electric utilities underground would be one solution.	Numerous commenters
The City needs better technical and PR outreach on trees: trained arborists who can answer questions and help preserve trees.	Seattle Community Council Federation
City should require people purchasing a home to get an inventory of the trees on the property so they are aware of their value and how they might be regulated by the City.	Save the Trees member
City should make it really expensive to remove a large tree as mitigation for loss.	Save the Trees member
Payments made for removal of trees should be maintained in a separate fund, not for general disbursal. Funds collected from tree-cutting should be used to plant trees.	Heron Habitat Helpers
Consider consolidating all regulations, permits, and staff dealing with trees into one department.	Heron Habitat Helpers, Save the Trees Seattle
City should fund more education efforts.	Numerous commenters
City should require large caliper replacement trees.	John & Cindy Rose
City could publish a "Green List" of professionals who pledge to abide by certain sustainable standards. This would include arborists who register with the city, report tree cutting, and counsel clients on good choices and how to preserve trees wherever possible; realtors who attend a seminar and counsel clients on the value of trees; landscapers who encourage environmentally responsible methods and plantings; auto mechanics who encourage careful car maintenance, building contractors, etc. For the list to be useful the included professionals would also have to maintain responsible business practices.	Save the Trees Seattle
City should publicly thank companies or individuals that have done something extraordinary to preserve a tree or grove. This could take the form of a plaque at the site, a ceremony, party, or whatever is appropriate, possibly in the context of an annual event. The 'Wildlife Sanctuary' designation should be formally defined, publicized and encouraged.	Save the Trees Seattle
Private property tree regulations should also apply to parkland.	Save the Trees Seattle
Define canopy cover in terms of volume and area.	Save the Trees Seattle
Allow design review boards control over tree removal decisions.	Anonymous commenter
Allow individuals to move trees as an alternative to removal.	Olaf Ribeiro