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Letter to SDCI
Nathan Torgelson
SDCI Director

The Urban Forestry Commission (UFC) would like to extend its gratitude to the Seattle Department of Construction and Inspections for its continued work to enhance tree protection, and specifically to Chanda Emery, for taking the time to brief the UFC on this important work.

Chanda updated the UFC at 5/13 meeting on work done to date including:

- Ongoing deliberative sessions with UFC members have been helpful to update the Exceptional Tree Director's Rules (in place since 2008)
- Despite the current COVID-19 emergency, SDCI continues to work on making changes to enhance tree protection.
- Tree mapping/tracking effort – put together a team of GIS analysts to track trees on private property. Have a system in place in Accela with a tree-tracking worksheet to help plan reviewers track trees through the permit review process. Starting to address backlog going back to 2019 to load information and training GIS staff to read site plans.
- Implementing a new tree data sheet in the plans that will require all applicants to provide tree information (as outlined in the Executive Order) showing all trees 6" or greater, replacement and mitigation of trees. Trees will be numbered on a table for improved data collection.
- Best Management Practices for public notice sheets for tree protection around trees.
- Inspectors will be better able to impose penalties and fines once they have tree data.
- The Director's Rule is being updated with the input from an internal SDCI technical team.
 - o Clarify 25.11, expand definition of exceptional trees, define significant trees, provide protection for trees during land division, and include tree service provider acknowledgement that they are aware of tree regulations.
 - o Clearer table 1 for exceptional trees, clarity about tree groves, definition of DBH, heritage trees as exceptional, 24" or greater DSH will be exceptional. More tree protection to be included in the design process.

Seattle Urban Forestry Commission's current recommendations to the Seattle Department of Planning and Development

We would like to commend SDCI's progress on implementing [Mayor Burgess's Executive Order 2017 - 11: Tree Protection](#) and moving forward with updating [SMC 25.11 -Tree Protection Ordinance](#) per [the Seattle City Council Resolution 31902](#). The Seattle Urban Forestry Commission has been advising the Mayor and City Council for 11 years on this particular subject which is very important.

Here are our most recent recommendations.

There needs to be a Tree Inventory and Tree Site Plan done for all Development Projects and Tracking of Tree Loss and Replacement

The city's 2037 tree canopy area goal in its [2013 Urban Forest Stewardship Plan](#) is 30%. According to the [2016 Tree Canopy Assessment](#), Seattle's tree canopy by area was 28% measured at 8 feet above the ground. It did not quantify tree canopy volume which is more significant in terms of ecosystem services. To know if we are gaining or losing tree canopy area and volume over time we need to collect and analyze data. To be able to track data of tree canopy loss and gain, you must track the overall loss and gain not just of tree numbers but the size and canopy of trees. The bulk of the city's trees are in areas under SDCI's jurisdiction. If you remove the 20% of tree canopy area managed by the Parks Department and the 22% of right of way trees under the [2016 Seattle Tree Canopy Assessment](#), almost 60% of Seattle's trees are on private property overseen by SDCI.

To track tree loss and replacement, City Departments currently must report quarterly to OSE their tree loss and replacement. However, SDCI is the only City Department not reporting tree loss and replacement. Mayor Nickels directed that all city Departments must replace one tree removed with two trees. Unfortunately, the size and species of the tree removed is not considered in terms of what is replaced. Replacing one large tree with two small trees will result in a significant loss of canopy area and volume. For effective tracking, the city must also track the DBH of each tree lost. The DBH of a tree correlates with canopy area and volume if species specific growth rates are presumed.

Portland Oregon shows the value of tracking more data, particularly tree species and tree DBH, as it allows a more detailed analysis of the net loss and gain of canopy. See their report [City Wide Tree Project Data Report](#).

While SDCI is not under the two for one replacement requirement, it has other requirements. Homeowners, without a permit or tracking can remove up to 3 significant, non-exceptional trees that are 6 inches DBH or larger per year. Unlike in Portland, OR and many other cities, no replacement is required. Exceptional trees outside development are not to be removed unless hazardous. No permits are required for homeowners to remove most trees, the exception being hazardous and exceptional trees. Without permits, tree loss cannot be tracked. Violations are complaint based, and by the time you hear a chainsaw it is too late to save them. Many trees get removed illegally without an across the board Tree Removal and Replacement permit system for all trees over 6 inches DBH, for example, because with no universal permit system, is no consistent and effective oversight or monitoring of trees being removed.

Developers also do not have to get Tree Removal and Replacement Permits so there has been little tracking directly of tree loss and replacement during development. SMC 25.11 unfortunately only addresses protecting exceptional trees. Developers are encouraged to save exceptional trees, but they can be removed if they are hazard trees or if they limit the development potential of a lot. Under [SMC 25.11.090](#), in all zones, developers must replace all exceptional trees and trees over 24 inches DBH that are removed. Without tracking or requiring Tree Removal and Replacement permits, however there is no comprehensive record for the last 20 years of actual tree loss and tree replacement.

Different landscape requirements for minimal tree replacements also exist for single family under [SMC 23.44.020](#); multifamily under [SMC 23.45.524](#) or commercial under [SMC 23.47A.016](#). Green factor tree requirements in multifamily zones and other zones are under [SMC 23.86.019](#). These landscape requirements all are based on what a lot completely devoid of trees should have. They do not consider the impact on reducing urban tree canopy caused by not replacing trees in any equivalency based on the size, number or species of trees removed during the development process.

Because of this negative impact on tree canopy, the current situation seems out of compliance with stated adopted environmental policies:

[SMC 25.11.010](#) Purpose and intent.

- A. *Implement the goals and policies of Seattle's Comprehensive Plan especially those in the Environment Element dealing with protection of the urban forest*

B. *To preserve and enhance the City’s physical and aesthetic character by preventing untimely and indiscriminate removal and destruction of trees.*

In the 2035 [Seattle 2035 Comprehensive Plan](#), Environmental Element states that:

“POLICIES EN 1.1 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 percent by 2037 and to 40 percent over time.”

An inconsistency also exists between platting language and tree protection.

The 2013 [Urban Forestry Stewardship Plan](#) states that one of its four goals is *“expand canopy cover to 30% by 2037. One of its priority actions is to Preserve Existing Trees Because it takes decades for most trees to reach their ultimate size, trees already growing in Seattle generally provide people immediate and ongoing benefits that cannot be matched by small/young replacement trees.”*

[Mayor Burgess’s Executive order: multiple directives](#)

The Urban Forestry Commission specifically makes the following recommendations:

1. Require that all development projects shall conduct a Tree Inventory and tree site plan.

The tree inventory should include a data sheet numbering all trees over 6 inches DBH, listing their species and DBH and condition and whether they are to be retained or replaced. All trees should be tagged with numbers that correlate to data in the Tree Inventory and Tree Site Plan. It could also include tree height and tree canopy diameter. The data sheet besides the number of trees on a property shall separately and cumulatively give tree DSH’s both for removed trees and replacement trees. The inventory shall include a site map showing the trees’ location on the site and separate photos of each tree as well as trees on neighboring sites whose canopy and root zone extends onto the site and could be impacted by the development.

Portland passed a requirement for a [Tree Inventory and Tree Plan](#) in 2018.

The purpose of the Inventory Worksheet is to:

- *Inventory all the applicable trees for your project*
- *Describe how these trees will be impacted*
- *Describe how preserved trees will be protected*
- *Detail the mitigation requirements for your project*
- *Indicate which trees will be preserved or removed*

The Urban Forestry Commission has repeatedly asked that SDCI require a tree inventory for all development projects. A tree site plan also helps to clearly show where the trees are.

See UFC [Adopted Recommendation on DPD Reporting](#)

2. Require that Tree Removal and Replacement permits be required for all Exceptional trees and trees over 24 inches DBH during development under [SMC 25.11.090](#) to bring SDCI into compliance with the current Tree Protection Ordinance.

Also phase in requiring Tree Removal and Replacement Permits for all significant trees (6 inches DBH and larger) that are removed on all sites being developed as well as sites already developed. This would bring DCI in compliance with platting and short platting requirements to “show the specific location and description of all trees at least 6 inches in diameter measured four and one-half feet above the ground with the species indicated “ and is “designed to maximize retention of existing trees”. See

[SMC 23.22.020 -Content of preliminary plat application](#)

[SMC 23.22.054 – Public Use and Interest](#)

[SMC 23.24.020 – Content of application](#)

[SMC 23.24.040 - Criteria for Approval](#)

The Director has the authority to require permits under "[SMC 25.11.100](#) A. Authority The Director shall have the authority to enforce the provisions of this chapter, to issue permits, impose conditions and establish administrative procedures and guidelines , conduct inspections and prepare the forms necessary to carry out the purposes of this chapter."

- 3. Establish a separate Urban Forestry Division within SDCI or assign tree protection oversight to the Office of Sustainability and Environment** as recommended by the City Auditor in its 2009 audit entitled "[Management of City Trees Can Be Improved](#)".

[Mayor Burgess's Executive Order 2017 -11: Tree Protection](#) directed that "The Urban Forestry Core Team, in consultation with the Urban Forestry Commission, will recommend necessary improvements to Seattle's urban forestry leadership structure, to ensure implementation of urban forestry goals, address policy conflicts and build community partnerships. and gap."

Administration and enforcement of SMC 25.11 and other ordinance provisions relating to Tree Protection and the Urban Forest have no clear department section or division within SDCI that is responsible for overall tree protection. Instead tree protection is spread diffusely throughout SDCI with many people having some oversight and responsibility but no one is clearly in charge and accountable. Several examples of the need for more clear commitment by SDCI to enforce tree protection code are below as well as those referenced above.

The [Urban Forestry Stewardship Plan](#) had minimal responsibilities assigned to SDCI's predecessor – the Department of Planning and Development regarding Tree and Urban Forest Protection, despite a standing [Seattle City Council Resolution 31138](#) passed on August 3, 2009 which directed DPD to examine a variety of issues to increase protection of trees and Seattle's urban forest. They produced several ordinance drafts which the Seattle City Council rejected and which the Seattle Urban Forestry Commission opposed as weakening tree protection.

The Seattle Urban Forestry Commission has repeatedly asked SDCI to rigorously enforce SMC 25.11.090 requiring developers to replace all exceptional trees and trees over 24 inches DBH removed during development in all city zones. It is obvious that Seattle is not collecting any fees in lieu of replacement on development sites that this provision is being ignored.

See UFC letter [Enforcement of SMC 25.11.090 - Tree Replacement and Site Restoration](#)

While we greatly appreciate the current efforts by SDCI to increase tree protections and the dedicated individuals working in SDCI to do this, we strongly believe that the problems are systemic in SDCI's operating structure. In moving forward, we believe this situation can be remedied by creating an **Urban Forestry Division** within SDCI. Such an Urban Forestry Division must have clearly delegated responsibility that enables its staff to rigorously implement and enforce current tree and urban forest protections as well as to advocate for increased protections as needed. It also needs to be a place that the public trusts is committed to environmental protections. We urge you to strongly consider our recommendation on this restructuring.

- 4. Follow through with updating SMC 25.11 - Tree Protection Ordinance itself as directed by the Seattle City Council and Mayor's office.**

See Urban Forestry Commission's draft [Tree and Urban Forest Protection Ordinance](#).

See UFC one-page handout on [Tree and Urban Forest Ordinance Update](#) entitles "Simpler, Smarter, and Stronger Tree Protection for Seattle's Urban Forest".

The draft ordinance deals with a number of other issues not addressed here including but not limited to in lieu fees, replacement tree size and number based on the size of the tree removed, need to water trees for 5 years, alternative site plans and setting up a Tree Replacement and Preservation Fund.