

## Seattle Urban Forestry Commission

Weston Brinkley (Position #3 – University), Chair • Joanna Nelson de Flores (Position #7 – NGO), Vice-Chair  
Steve Zemke (Position #1 – Wildlife Biologist) • Sandra Whiting (Position #2 – Urban Ecologist)  
Sarah Rehder (Position #4 – Hydrologist) • Tom Early (Position #6 – Landscape Architect – ISA)  
Andrew Zellers (Position #8 – Development) • Craig Johnson (Position #9 – Economist)  
Megan Herzog (Position #10 – Get Engaged)

June 6, 2018

Councilmembers Rob Johnson, Mike O'Brien, Lisa Herbold, and Lorena Gonzalez  
Seattle City Hall  
600 Fourth Avenue  
Seattle, WA 98104

RE: Comments to the May 11, 2018 Council Central Staff Memorandum “Draft Updates to Seattle’s Tree Regulations.”

Dear Councilmembers,

The Urban Forestry Commission (UFC) continues to commend Councilmember Johnson for providing the impetus to move forward a tree protection ordinance update with the “Trees for All” proposal, and the Mayor for her engagement and input. The UFC is excited to support the City in this important effort. However, The UFC is concerned about the specifics emerging from the proposal and its ability to meet the City’s goals to preserve and enhance Seattle’s canopy cover.

The UFC understands that it is likely that the [May 11 Memo from Council Central Staff](#) outlining proposed updates to the City’s tree regulations was prepared prior to the receipt of the [UFC May 9 letter](#). However, the UFC urges consideration of the recommendations put forth in that letter.

Additionally, the UFC has recommendations relating to the May 11 Central Staff Memo which contains multiple proposals that raise concern and run counter to the stated goals of a revised tree code.

### **Create new permit for tree removal outside of development**

Permits should be required for all removals in all zones, including those on properties undergoing development and public lands. It’s important to establish a standardized tree removal permit system to gather information on tree loss and to preclude current practices that have property owners and developers remove trees prior to selling/purchasing property for development. The UFC understands that properties undergoing development already require permits, yet it was found in the City’s Tree Regulations Research Project that tree-related activities were not consistently documented. Policy priorities of a tree removal permit system are: increasing canopy, increasing equity in canopy distribution, improving property owner tree maintenance, and improving canopy data. Exempting properties under development and public lands from a tree removal permit system runs contrary to all these priorities. Best available data<sup>1</sup> show canopy is being lost through development; in Single Family zones sampling showed canopy decrease from 27% to 19% due to development.

---

<sup>1</sup> SDCI/OSE 2016 Seattle Tree Canopy Assessment

Additionally, expecting property owners to go through a tree removal permit process but not developers is an apparent inequitable burden. Finally, data provided by tree removal permits is critical to managing the urban forest and building effective policy; removing development from this dataset would render it ineffective. These same principles also apply to removals in commercial, industrial, and institutional zones. To maximize data effectiveness, equity, legibility, and canopy, permits should be required for all tree removals, public or private, for all land uses.

Permits should allow for professional oversight and standardize the process. Simplifying tree protection is an important goal of any new tree ordinance. Implementing a tree removal permit system means that a professional will be involved in the process. A property owner will not need to identify tree species with a tree removal permit system. Permits, through additional City oversight, result in an Exceptional Tree list that will not be onerous to implement. The Exceptional Tree designation becomes more user-friendly with a tree removal permit system, not less.

The proposal of a 12” tree removal permit threshold is not appropriate for the city of Seattle. While the UFC strongly recommends the creation of a permit for tree removal, a threshold of 12” would not meaningfully protect trees in Seattle. This assertion is backed by a variety of data, including that only 18% of trees in single-family zones are over the 12” threshold, and the prevalence of a 6” threshold throughout a variety of City code dealing with trees. See the [May 9 UFC letter](#) for more details.

Using a 6” threshold is not to replace the Exceptional Tree designation. Thresholds for tree removals requiring permits serve the purpose of collecting data, improving safety, and managing the number of removals allowed. This is a different purpose than the Exceptional Tree designation. Exceptional Trees are designated important and may not be removed. Considering one mechanism as sufficient for both purposes will not meet policy priorities of preserving canopy. Specifically, as suggested this approach would preserve small trees and incentivize the removal of large trees – counter to policy goals.

Suggesting that Exceptional Trees are too confusing, and therefore should be removed, is counter to the goal of protecting trees. The UFC welcomes the opportunity to work with the City to simplify the Exceptional Tree designation and process so that it’s easier to implement. Achieving a goal of simplicity at the expense of the more important goal of retaining trees does not align with the stated intentions of this policy proposal.

#### **Explore mitigation for tree removal outside of development:**

The UFC recommends that three of the four policy options be explored:

Request evaluation of caliper inches system of replacement to understand trade-offs. Trees are not static objects but rather growing components of larger systems. Tree mitigation or replacement fee to replace tree canopy function lost requires more in-depth analysis considering species, potential future growth, and trunk to canopy size ratios.

Allow fee-in-lieu option when a tree removal permit is required. Where property owners are unable to mitigate for tree removal through additional planting, a tree mitigation or replacement fee option could be an effective alternative. This should be applied to all zones.

Prohibit removal of trees planted to meet mitigation requirements. Mitigation is only effective if replacement trees have some level of protection. Instituting a permit system for tree removal will facilitate limiting the removal of trees planted for mitigation.

However, keep mitigation requirements consistent, regardless of zone. The UFC recommends that zone-specific mitigation requirements are not used. To continue policy priorities of equity and simplicity in the process, as well as maximize tree preservation, maintain consistent mitigation requirements throughout the city. If trees must be removed, they should be replaced in the location of their removal. If trees are unable to be replaced, mitigation payments should be made, and additional planting should be done using broader equity and needs assessments.

#### **Extend tree planting requirements related to development in Single-Family and RSL zones**

The UFC supports the extension of planting requirements related to development in Single-family and RSL zones. Creating uniform planting requirements, including for development, supports goals of creating an equitable and simplified tree management system. This uniformity should include small lots and all zoning designations. Additionally, the UFC knows that development is a major driver of canopy loss. As stated above, a variety of policy options should be explored.

#### **Increase flexibility in development standards to preserve trees**

The UFC supports flexibility in design standards to allow for tree preservation. The UFC agrees with the Executive comment that current requirements are a disincentive to preserving trees. Allowing for modifications or waivers of standards in regular development review that would facilitate tree preservation are recommended.

#### **Hazard trees**

Hazard Tree removal should require a permit. Requiring a permit for all removals, including hazardous trees aligns with policy priorities of data collection, uniform simplicity, canopy preservation, and particularly in cases of hazardous trees, safety. Use of a permit for Hazard Trees should also serve to reduce the number of trees removed that are miss-identified as hazardous.

Require replacement for removals of all trees including Hazard Trees. To meet the City's goal of increasing canopy cover, replacement of lost canopy is critical. Replacing lost canopy due to hazardous trees is an important part of this approach.

#### **Enhance Green Factor requirements**

Increase required Green Factor for single family zones, and to prioritize trees. Importantly, Green Factor is a minimum development standard to keep some nature on properties being developed. It is applied to development on previously developed land which has little or no existing natural surfaces. Green Factor is not an alternative to tree policies that are intended to ensure the protection of any existing trees. The UFC anticipates issuing recommendations on Mandatory Housing Affordability (MHA) legislation and the Director's Rule governing Green Factor in summer 2018. Both these recommendations will address enhancing Green Factor as it relates to trees.

#### **Simplify enforcement**

Increase and simplify the penalty for illegal tree cutting. The UFC recommends that penalty calculations be both harsher and easier for the public to understand. Additionally, effective enforcement will require a permit system for legal tree removal and replacement as well as identifying and evaluating the mechanism and funding for enforcement. See the UFC's full recommendations on this matter in the [January 10, 2018](#) letter "*Recommendation about SDCI's Draft Director's Rule 21-2017 on Calculating Tree Valuations and Civil Penalties for Tree Protection Code Violations*".

The UFC invites you and your staff to attend one of its meetings or to set up additional time to discuss recommendations and the proposal moving forward. Please feel free to reach out with questions or comments.

The UFC appreciates your commitment to Seattle's urban forest and look forward to working with you on this matter.

Sincerely,

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

Weston Brinkley, Chair

cc: Mayor Durkan, Council President Harrell, Councilmember Bagshaw, Councilmember Juarez, Councilmember Mosqueda, Councilmember Sawant, Jessica Finn Coven, Nathan Torgelson, Michelle Caulfield, Mike Podowski, Spencer Williams, Maggie Glowacki, Chanda Emery, Urban Forestry Management Team, Urban Forestry Core Team, Sara Maxana, Aaron Blumenthal, Peter Lindsay, Eric McConaghy, Yolanda Ho, Susie Levy, Daniel Strauss, Evan Philip

Sandra Pinto de Bader, 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)