



**SEATTLE URBAN FORESTRY COMMISSION**

**Julia Michalak** (Position #1 – Wildlife Biologist), Co-chair  
**Joshua Morris** (Position #7 – NGO), Co-Chair  
**Elby Jones** (Position #2 – Urban Ecologist - ISA) • **Weston Brinkley** (Position #3 – University)  
**Stuart Niven** (Position #5 – Arborist – ISA) • **David Moehring** (Position # 8 – Development)  
**Blake Voorhees** (Position # 9 – Realtor) • **Jessica Hernandez** (Position #11 – Environmental Justice)  
**Jessica Jones** (Position # 12 – Public Health)

*The Urban Forestry Commission was established to advise the Mayor and City Council concerning the establishment of policy and regulations governing the protection, management, and conservation of trees and vegetation in the City of Seattle*

**Meeting notes**

February 24, 2022, 1:30 p.m. – 3:00 p.m.  
Via Webex call  
(206) 207-1700  
Meeting number: 2499 524 4985  
Meeting password: 1234

*In-person meetings are not being held at this time due to the pandemic. Meeting participation is limited to access by joining the meeting through a computer or telephone conference line.*

**Attending**

Commissioners

Josh Morris – Co-Chair  
Julia Michalak – Co-Chair  
Weston Brinkley  
Stuart Niven  
David Moehring

Staff

Patti Bakker – OSE

Guests

Absent- Excused

Blake Voorhees  
Jessica Jones  
Jessica Hernandez  
Elby Jones

Public

Steve Zemke  
Tina Cohen

**NOTE: Meeting notes are not exhaustive. For more details, listen to the digital recording of the meeting at: <http://www.seattle.gov/urbanforestrycommission/meetingdocs.htm>**

**Call to order:** Josh called the meeting to order 1:32, and offered a land acknowledgement.

**Public comment:**

Steve Zemke – sent information to Patti on analysis of the draft ordinance. Most significant items from that:

- The draft takes away the 6” tree limit for trees required to be shown on site plans, means that trees reviewed in Single Family zones is reduced from 45% to 18%.

- The change that decisions regarding 25.11 will now be Type I projects that are not appealable. This means the public isn't able to raise questions or appeal decisions; SDCI will make decisions and public has to assume best intent. This is a drastic removal of public involvement.
- The draft doesn't mention maximizing retention of existing trees on site; that is also a strong concern.
- Replacement required of developers on site remains at 1:1. Removing an 80 year-old Douglas fir with a 6" Douglas fir will take 80 years for that tree to provide equivalent function
- Many issues the UFC raised in their draft are not included and should be.

Richard Ellison – SDCI is ignoring the UFC and the UFC should push back on that. After years of working on this effort, the draft is now rushed without adequate review time. Agree with all the points Steve mentioned, with the biggest problem being the lack of appeal option. Developers want to know requirements from the outset, not later on. Voluntary reporting and voluntary retention on site will not work. It's important for the UFC to stand up to this and talk with Council and the Mayor.

**Chair, Committees, and Coordinator report:**

No reports for this meeting.

**Tree protection ordinance**

The processes for the current comment period and the UFC's review of the draft ordinance were discussed. The current comment period is related to the SEPA determination; there is currently not a date set of when the ordinance will be taken up by Council, so that is a longer time period where the UFC can weigh in on the ordinance. For the current UFC review, today's discussion is an opportunity to provide initial feedback to SDCI.

Josh developed a summary of the sections in the draft ordinance, and also a markup of the ordinance, noting comparisons to the UFC draft ordinance, noting new sections, and initial questions on sections. Julia also put together a spreadsheet starting from the analysis of the draft ordinance compared to the UFC's draft ordinance provided by Steve, and adding in key points where recommendations for each point can be tracked.

Josh walked through the sections of the SDCI draft ordinance. Commissioners went through his markup of the ordinance and added additional areas of support, and noted questions and areas where more information is requested. Areas of recommendation, concerns and questions include:

- The new section on hazardous tree removal – Commissioners have some questions and a recommendation to consider requiring replacement when hazard trees are removed.
- Replacement trees – there is a need to ensure protection of trees planted as replacement; potentially recommend separate criteria of what is required of a replacement tree, as well as requiring tracking of replacement trees for a period of time.
- Ecological function term is included in the ordinance, but not defined and not included anywhere else, and not in the Director's Rule.

- There are a number of questions around the 6" vs. 12" for trees protected. That comes up in many places – when they're put onto the site plan, when there's replacement required, when trees can be removed.
- Maximizing tree retention – recommend strengthening language to have greater chance of retention, and clarifying language on tree protection in development. Consider also how to strengthen this section overall.
- Questions around the new payment in lieu option and the penalties section – Will there be a separate fund set up? Can penalty payments go toward tree planting/replacement also? Why so much detail in the penalties section and so few in the payment in lieu section? Understand that they're trying to balance development with protection, but would like more detail/information on this section.
- Without a permit system, we are still left with a complaint-based system; will note in recommendations the several areas where this comes up.
- SEPA appeal issue (taking away that option to appeal by changing the decision type) – this is a big concern, was not part of previous discussion, and would like clarification on.
- The number of significant trees removed outside of development is not subject to that balance between housing and protection, so why not have stronger protections?
- There are not as many trees on multifamily as there are single family, so lumping them together doesn't make sense. We're losing exceptional trees in replacing one house with one house.

Julia reviewed her spreadsheet and noted the items in the UFC draft ordinance that are not covered in the SDCI draft:

- Creating a separate Urban Forest Division or hiring separate Urban Forestry staff
- Giving SDCI legal authority to enter property to investigate
- Two-week posting of permits onsite
- Doing a tree inventory prior to development
- Tree replacement required for trees removed one year before the property was purchased

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**Public comment:**

Tina Cohen – sent information to be put into the minutes. Interest is in the intent of the ordinance.

Concerned about the standard loopholes that are still in the ordinance, that developers can use to get around all these protections.

Steve Zemke – regarding the information he sent around. The UFC is making recommendations as a very informed body. Listed some areas where language should be improved. Definitions should be consistent with the street tree ordinance; shouldn't ask arborists to refer to and learn two different sets of information and definitions. Intent and purpose of the ordinance is important; that should be strong. Tree replacement costs

need to include costs beyond planting (establishment, maintenance). Data and tree inventory very important. There again consistency is important – between street tree ordinance and this ordinance re: requirements and posting. SEPA appeal question; is science involved in the decisions? Don't know if decisions are made by planners.

Richard Ellison – Tim Burgess's Executive Order required SDCI to consult with the UFC in developing the updated ordinance. Some things are missing from the ordinance, including removal of invasive species which can have an impact on protecting remaining big trees. Permits could be required very easily using the street tree ordinance requirements.

Jessica Dixon – we should be requiring permits for removal of any tree over 6", the voluntary reporting system is not going to work. Permitting would allow us to track tree loss over time.

**Adjourn:** The meeting was adjourned at 3:11 PM.

**Meeting Chat:**

from Weston to everyone: 1:55 PM

nope - thanks Josh!

from Steve Zemke to everyone: 1:59 PM

definitions in SDOT Tree Ordinance need to be reviewed to be consistent

from Steve Zemke to everyone: 2:01 PM

SDOT has some different definitions - should review to be sure same so arborists are not getting different definitions depending on whether they are working on street trees or private property

from Steve Zemke to everyone: 2:10 PM

Tree Regulation Research Project considered to be an option to replace replacement of hazardous trees

from Steve Zemke to everyone: 2:11 PM

Replacement tree should be a protected tree and should be replaced if it dies in 1st 5 years.

from Steve Zemke to everyone: 2:13 PM

Could remove 3 significant nonexceptional trees per year in current ordinance.

from Steve Zemke to everyone: 2:19 PM

No replacement in current ordinance, draft says any tree over 12" DBH removed by developers must be replaced. Not so for private property not undergoing development

from Steve Zemke to everyone: 2:21 PM

All developers should be required to do a tree inventory and landscape plan prior to building projects being approved.

from Steve Zemke to everyone: 2:21 PM

Portland Oregon does this

from Tina Cohen to everyone: 2:22 PM

Would Josh please speak closer to his mike. Thanks.

from Toby Thaler to everyone: 2:28 PM

The two Yim cases changed Washington takings law. The City is now allowed \*some\* regulatory taking.

Please consult with Law Dept.

from Steve Zemke to everyone: 2:29 PM

Part of way to deal with court challenges is to state reasons for tree ordinance in purpose and intent section. See language we added in UFC draft!

from Steve Zemke to everyone: 2:36 PM

One issue with "hazardous trees" is that recommendation comes from developer hired arborist ab

from Steve Zemke to everyone: 2:38 PM

and SDCI accepts that. UFC proposal said SDCI could ask for a second opinion if needed and SDCI made final decision not developer's arborist.

from Steve Zemke to everyone: 2:41 PM

SDCI proposed canopy cover replaced in 25 years. SDCI has authority in their draft to require one or more trees for replacement.

from Steve Zemke to everyone: 2:42 PM

SDCI does not mention a Tree Replacement and preservation fund - need to ask for a dedicated fund like Portland has

from Steve Zemke to everyone: 2:46 PM

Tree penalty based on arboriculture assessed cost. Larger tree removed higher penalty

from Steve Zemke to everyone: 2:47 PM

Portland has a second fund for tree penalties dedicated to trees.

from Weston to everyone: 2:59 PM

great point - did not see this in any of the previous briefings

**Public input: (see next page and posted notes):**

**From:** Alice Kuder <info@email.actionnetwork.org>

**Sent:** Thursday, February 3, 2022 1:42 PM

**To:** Bakker, Patricia <Patricia.Bakker@seattle.gov>

**Subject:** Please Strengthen Seattle's Tree Ordinance

Urban Forestry Commission Coordinator Urban Forestry Commission c/o Patti Bakker,

It's time to end the delay by the Seattle Department of Construction and Inspections (SDCI) on presenting the Seattle City Council with an updated draft Tree and Urban Forest Protection Ordinance. Over the last 12 years, the Seattle City Council has repeatedly asked successive Seattle Mayors and SDCI for an updated workable and effective ordinance draft to consider and it is obvious SDCI is not responding as requested. In its most recent 2019 Resolution 31902, the Council gave specific issues for SDCI to address.

SDCI, once again, has not responded in a timely manner with a comprehensive tree protection ordinance update. It's been delay after delay. Please remove tree and urban forestry protection from their Department. In 2009 the Seattle City Auditor proposed transferring tree and urban forestry oversight and authority to an independent entity that does not have a conflict of interest. The Auditor proposed oversight be moved to the Office of Sustainability and the Environment.

Much has changed since 2009 and it is time to create an independent Department with authority over environment, urban forestry, and climate issues. SDCI has a conflict of interest in tree oversight – their

priority mission has been to help developers build, not protect trees. Years of inaction on effective oversight and protection of trees by SDCI demands that a separate independent entity take over the city's responsibility to protect and enhance our urban forest. We propose that an Urban Forestry Division be created within a new Department of the Environment and Climate.

Seattle's trees and urban forest are vital to keeping our city healthy and livable. Trees and the urban forest comprise vital green infrastructure needed to keep our city and people healthy. Trees reduce air pollution, storm water runoff and climate impacts like heat island effects, while providing essential habitat for birds and other wildlife. They are important for the physical and mental health of our residents. A robust urban forest is critical for climate resilience and tree equity.

Seattle's rapid growth and an outdated tree ordinance are reducing these beneficial effects as trees are removed and not even replaced. It is urgent to act now to stop this continued loss of existing trees, particularly large mature trees and tree groves. It is important to promote environmental equity by retaining as many trees as possible and replacing those removed.

Please update Seattle's Tree Protection Ordinance as recommended in the latest draft by the Seattle Urban Forestry Commission.

Here are the key provisions that need to be in an updated tree ordinance:

1. Expand the existing Tree Removal and Replacement Permit Program, including 2-week public notice and posting on-site, as used by the Seattle Department of Transportation (SDOT) – to cover all Significant Trees (6" and larger diameter at breast height (DBH)) on private property in all land use zones, both during development and outside development.
2. Require the replacement of all Significant Trees removed with trees that in 25 years will reach equivalent canopy volume lost – either on site or pay a replacement fee into a City Tree Replacement and Preservation Fund. Allow the Fund to also accept fines, donations, grants, purchase land and set up easements.
3. Expand current protections for Exceptional Trees and reduce the upper threshold for Exceptional Trees to 24" DBH, protect tree groves and heritage trees and prohibit Significant Trees being removed on undeveloped lots.
4. Allow removal of no more than 2 Significant non-Exceptional Trees in 3 years per lot outside development.
5. Establish one citywide database for applying for Tree Removal and Replacement Permits and to track changes in the tree canopy.
6. Post online all permit requests for 2 weeks prior to removal and all permit approvals for public viewing. Establish and maintain a city-wide database and inventory of existing trees, trees removed, and trees planted. Post on-line quarterly reports.

7. Expand SDOT's existing tree service provider's registration and certification to register all Tree Service Providers (arborists) working on trees in Seattle.
8. Require developers throughout the development process to maximize the retention of existing trees with adequate space for trees to grow and survive.
9. Require a Tree Inventory and Tree Landscaping Plan prior to any development permits being approved.
10. Provide adequate funding in the budget to implement and enforce the updated ordinance.

Alice Kuder  
[aakuder@gmail.com](mailto:aakuder@gmail.com)  
8427 30th Ave SW  
Seattle, Washington 98126

**From:** Jayn Foy <[info@email.actionnetwork.org](mailto:info@email.actionnetwork.org)>  
**Sent:** Thursday, February 3, 2022 2:37 PM  
**To:** Bakker, Patricia <[Patricia.Bakker@seattle.gov](mailto:Patricia.Bakker@seattle.gov)>  
**Subject:** Please Strengthen Seattle's Tree Ordinance

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Jayn Foy

[jaynfoy@gmail.com](mailto:jaynfoy@gmail.com)

3302 S. Charles St.

Seattle, Washington 98144

**From:** John Cook <[info@email.actionnetwork.org](mailto:info@email.actionnetwork.org)>

**Sent:** Friday, February 4, 2022 5:39 PM

**To:** Bakker, Patricia <[Patricia.Bakker@seattle.gov](mailto:Patricia.Bakker@seattle.gov)>

**Subject:** Save Our Trees!

Urban Forestry Commission Coordinator Urban Forestry Commission c/o Patti Bakker,

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John Cook  
[johnvcook@hotmail.com](mailto:johnvcook@hotmail.com)

19324 Fremont Ave N  
Shoreline, Washington 98133

**From:** Aleksandra Hungerford <info@email.actionnetwork.org>  
**Sent:** Tuesday, February 8, 2022 9:13 PM  
**To:** Bakker, Patricia <Patricia.Bakker@seattle.gov>  
**Subject:** Please, keep Seattle green and protect our trees.

Urban Forestry Commission Coordinator Urban Forestry Commission c/o Patti Bakker,

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Aleksandra Hungerford  
[olahungerford@gmail.com](mailto:olahungerford@gmail.com)  
5522 27th Avenue Northeast  
Seattle, Washington 98105

**From:** Eric Thomassian <info@email.actionnetwork.org>

**Sent:** Tuesday, February 8, 2022 9:17 PM

**To:** Bakker, Patricia <Patricia.Bakker@seattle.gov>

**Subject:** Please Update Seattle's Tree Ordinance

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Eric Thomassian  
[Eric.thomassian@gmail.com](mailto:Eric.thomassian@gmail.com)  
9100 15TH AVE NE  
SEATTLE, Washington 98115

**From:** shana kelly <info@email.actionnetwork.org>  
**Sent:** Wednesday, February 9, 2022 10:40 AM  
**To:** Bakker, Patricia <Patricia.Bakker@seattle.gov>  
**Subject:** Keep Seattle Livable!

Urban Forestry Commission Coordinator Urban Forestry Commission c/o Patti Bakker,

It's time to end the delay by the Seattle Department of Construction and Inspections (SDCI) on presenting the Seattle City Council with an updated draft Tree and Urban Forest Protection Ordinance. Over the last 12 years, the Seattle City Council has repeatedly asked successive Seattle Mayors and SDCI for an updated workable and effective ordinance draft to consider and it is obvious SDCI is not responding as requested. In its most recent 2019 Resolution 31902, the Council gave specific issues for SDCI to address.

SDCI, once again, has not responded in a timely manner with a comprehensive tree protection ordinance update. It's been delay after delay. Please remove tree and urban forestry protection from their Department. In 2009 the Seattle City Auditor proposed transferring tree and urban forestry oversight and authority to an independent entity that does not have a conflict of interest. The Auditor proposed oversight be moved to the Office of Sustainability and the Environment.

Much has changed since 2009 and it is time to create an independent Department with authority over environment, urban forestry, and climate issues. SDCI has a conflict of interest in tree oversight – their priority mission has been to help developers build, not protect trees. Years of inaction on effective oversight and protection of trees by SDCI demands that a separate independent entity take over the city's responsibility to protect and enhance our urban forest. We propose that an Urban Forestry Division be created within a new Department of the Environment and Climate.

Seattle's trees and urban forest are vital to keeping our city healthy and livable. Trees and the urban forest comprise vital green infrastructure needed to keep our city and people healthy. Trees reduce air pollution, storm water runoff and climate impacts like heat island effects, while providing essential habitat for birds and other wildlife. They are important for the physical and mental health of our residents. A robust urban forest is critical for climate resilience and tree equity.

Seattle's rapid growth and an outdated tree ordinance are reducing these beneficial effects as trees are removed and not even replaced. It is urgent to act now to stop this continued loss of existing trees, particularly large mature trees and tree groves. It is important to promote environmental equity by retaining as many trees as possible and replacing those removed.

Please update Seattle's Tree Protection Ordinance as recommended in the latest draft by the Seattle Urban Forestry Commission.

Here are the key provisions that need to be in an updated tree ordinance:

1. Expand the existing Tree Removal and Replacement Permit Program, including 2-week public notice and posting on-site, as used by the Seattle Department of Transportation (SDOT) – to cover all Significant Trees (6" and larger diameter at breast height (DBH)) on private property in all land use zones,

both during development and outside development.

2. Require the replacement of all Significant Trees removed with trees that in 25 years will reach equivalent canopy volume lost – either on site or pay a replacement fee into a City Tree Replacement and Preservation Fund. Allow the Fund to also accept fines, donations, grants, purchase land and set up easements.

3. Expand current protections for Exceptional Trees and reduce the upper threshold for Exceptional Trees to 24" DBH, protect tree groves and heritage trees and prohibit Significant Trees being removed on undeveloped lots.

4. Allow removal of no more than 2 Significant non-Exceptional Trees in 3 years per lot outside development.

5. Establish one citywide database for applying for Tree Removal and Replacement Permits and to track changes in the tree canopy.

6. Post online all permit requests for 2 weeks prior to removal and all permit approvals for public viewing. Establish and maintain a city-wide database and inventory of existing trees, trees removed, and trees planted. Post on-line quarterly reports.

7. Expand SDOT's existing tree service provider's registration and certification to register all Tree Service Providers (arborists) working on trees in Seattle.

8. Require developers throughout the development process to maximize the retention of existing trees with adequate space for trees to grow and survive.

9. Require a Tree Inventory and Tree Landscaping Plan prior to any development permits being approved.

10. Provide adequate funding in the budget to implement and enforce the updated ordinance.

shana kelly

[kellshan@hotmail.com](mailto:kellshan@hotmail.com)

123 NE 57th St

Seattle, Washington 98105

**From:** RICHARD E <climbwall@msn.com>

**Sent:** Wednesday, February 9, 2022 2:48 PM

**To:** Bakker, Patricia <Patricia.Bakker@seattle.gov>

**Subject:** Fw: Support CB12207 Registration of Arborists and Tree Protection Efforts Citywide

**CAUTION: External Email**

Helo Patricia,

A copy for the SUFC.

Thanks

Richard Ellison

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**From:** RICHARD E <[climbwall@msn.com](mailto:climbwall@msn.com)>  
**Sent:** Wednesday, February 9, 2022 2:41 PM  
**To:** [Council@seattle.gov](mailto:Council@seattle.gov) <[council@seattle.gov](mailto:council@seattle.gov)>; Councilmember Dan Strauss <[dan.strauss@seattle.gov](mailto:dan.strauss@seattle.gov)>; [Alex.Pedersen@seattle.gov](mailto:Alex.Pedersen@seattle.gov) <[Alex.Pedersen@seattle.gov](mailto:Alex.Pedersen@seattle.gov)>; An, Noah <[noah.an@seattle.gov](mailto:noah.an@seattle.gov)>; Rundquist, Nolan <[Nolan.Rundquist@seattle.gov](mailto:Nolan.Rundquist@seattle.gov)>; [r@seattle.gov](mailto:r@seattle.gov) <[r@seattle.gov](mailto:r@seattle.gov)>  
**Subject:** Support CB12207 Registration of Arborists and Tree Protection Efforts Citywide

February 9, 2022

To the Seattle City Council Land Use Committee,

I want to thank the committee for moving forward to CB12207 help improve protection for Seattle's mature trees and tree canopy through the registration of tree care providers and holding them accountable for Seattle's proper tree care regulations.

I would also like to support friendly amendments to this bill that would coordinate this arborist registration effort with SDOT's, as it should be easier for the industry to have one working list for Seattle. Additionally, I support arborists suggestions that the new hazardous tree regulations also follow ISA Tree Risk Assessment Qualification methods and standards.

I strongly support the Section 1 language noting that:

"land development has the potential to greatly impact the conservation or loss of urban forest resources on both private and public land," ... and to "increase [of] citywide tree canopy coverage to 30 percent by 2037 and to 40 percent over time."

The proposed tree provider legislation wonderfully notes: "Seattle's urban forest reflects a history of environmental injustice with Widespread Race and Class Disparities in Surface Urban Heat. The City is experiencing numerous losses of significant trees and areas of its urban forest canopy, both through the land subdivision and development permitting processes and through legal and illegal removal of large significant and exceptional trees."

Why however, are some members of this Land Use Committee supporting state wide housing legislation that would take away the Cities abilities to both protect its trees during development and any enforcement of tree protection of the precious emerald forest? Why can't we have both more affordable housing and also protect our trees and canopy, to help mitigate the catastrophic climate change impacts of urban island heat effects and improve the quality of living in Seattle?

Can't we be creative enough and demanding enough to build around the healthy trees that are already survivors of climate impacts, and/or leave enough open space for both trees, and people? Every home, be it an apartment, townhouse, or single family, should have

Thank you,

Richard Ellison  
8003 28<sup>th</sup> Ave NE  
Seattle, WA 98115  
[climbwall@msn.com](mailto:climbwall@msn.com)

**From:** RICHARD E <[climbwall@msn.com](mailto:climbwall@msn.com)>  
**Sent:** Wednesday, March 23, 2022 1:39 PM  
**To:** Bakker, Patricia <[Patricia.Bakker@seattle.gov](mailto:Patricia.Bakker@seattle.gov)>  
**Subject:** Support and pass CB 120207: the Tree Service Providers Bill and amendments

**CAUTION: External Email**

To: Land Use Committee Chair CM Strauss, CM Pedersen, CM Mosqueda, CM Morales, and CM Nelson; [council@seattle.gov](mailto:council@seattle.gov)

From: Richard Ellison, 8003 28<sup>th</sup> Ave NE, Seattle, WA 98115

RE: Substitute CB 120207: tree service provider registration

Date: March 23, 2022

Please vote Yes for substitute bill CB 120207 and all amendments from Chairperson Strauss and CM Pedersen. Seattle has been waiting decades to improve tree protection, and Tree Service Provider registration is already required by SDOT for its tree work for over 9 years.

A few years ago over a weekend, I saw some big trees being cut at the Wedgwood pool in my neighborhood, and a neighbor filed a complaint. By the time an inspector could come out, the stumps had been completely ground and no violation was possible to be identified. The tree company might not have cut the trees if it required threatening their license to cut an exceptional tree.

This substitute bill supports improved requirements how exceptional trees are identified as "hazardous, to prevent misuse of the category.

Because subdivision developments are causing a great deal of tree canopy loss, of particular importance is Amendment 3 This would codify guidance that subdivision developments should "maximize conservation of existing trees," by requiring related reports be prepared by qualified tree professionals. It just takes good planning at the early phases of development, to prevent unnecessary loss of existing trees, in the process of building more affordable housing in subdivisions.

The Sept 2021 polling by the NW Progressive Institute **found over 75% of Seattle's voters want Tree Care Providers (arborists) to be registered and meet minimum certification standards.** [Seattle voters overwhelmingly favor policies to protect and expand the city's tree canopy.](#)

Please help protect our rapidly diminishing tree canopy by requiring the registration and training of tree service providers, in coordination with other proposed requirements.

Thank you, Richard Ellison

**From:** treesyes <treesyes@gmail.com>  
**Sent:** Wednesday, February 23, 2022 11:11 AM  
**To:** Bakker, Patricia <Patricia.Bakker@seattle.gov>  
**Subject:** SDCI draft tree regs - comments for UFC from an arborist

**CAUTION: External Email**

Hi,

I've been attending the UFC meetings for many months as an interested citizen and retired arborist. I see the new regs will be discussed tomorrow 2/24 but unfortunately I cannot attend most of the meeting. I'm attaching detailed comments that I sent to UFC David Moehring and to UFC frequent guest Toby Thaler (Alex Pederson's aid).

Could you include these comments in the meeting minutes in lieu of my speaking? Thank you.

Tina

Re: **SDCI SEPA Draft Tree Ordinance**. I downloaded it as a pdf for this review. Obviously this is my point of view as an arborist, and not a legal evaluation.

Page 5, intent, establishes the priority:

**25.11.010 Purpose and intent**

D. ((To reward)) Facilitate tree protection efforts by granting flexibility for certain development standards, and to promote site planning and horticultural practices that are **consistent with the reasonable use of property**;

Page 9, definitions. Conflict of interest is codified allowing tree evaluation and tree removal to be performed by the **same company**:

**"Tree service provider"** means a person or entity engaged in tree evaluation, tree removal and replacement, or tree pruning, including clearing and grading operations impacting trees regulated by this Chapter 25.11.

On Page 14 loopholes are established:

**25.11.050 General ((Provisions)) provisions** for exceptional tree determination and tree protection area delineation ((in Single-family, Residential Small Lot, Lowrise, Midrise, and 8 Commercial zones.))

A. ((Exceptional)) Significant trees 12 inches or greater in diameter at standard height and all exceptional trees and potential exceptional trees shall be identified on site plans. ((and exceptional)) Exceptional tree status and ecological function shall be determined by the Director ((according)) pursuant to ((standards)) this subsection 25.11.050.A and any rules promulgated by the ((Seattle Department of Construction and Inspections.)) Director of **the likelihood that a tree will live to maturity due to factors including but not limited to**:

1. Health and physical condition;
2. **Development site constraints such as proximity to existing or proposed development, access and utilities**, soil conditions, and solar access;
3. Environmental conditions external to the development site such as the likely occurrence of disease or insect infestation, landslide, or high water table.

Note you can claim every tree has some probability to die in the future, especially if it's adjacent to development and not watered. Therefore if it's in the way, it can go.

Here it is AGAIN on page 17:

**E. Required tree protection**

1. Significant trees over 12 inches in diameter at standard height and exceptional trees that are not allowed to be removed pursuant to Section 25.11.060 or 25.11.085 and **that do not preclude access to development or provision of utility services** shall be protected.

On page 19 SDCI outlines **increased design misery** IF a tree is saved. The comment most heard when asked about the new condo/townhouses is people hate the lack of setbacks. This is an unfortunate 'Sophie's Choice':

**B. Lowrise, Midrise, and Commercial zones**

1. The Director may permit an exceptional tree to be removed only if the total floor area that could be achieved within the maximum permitted FAR and height limits of the applicable zone pursuant to Title 23 cannot be achieved while avoiding the tree protection area through the following:

a. For development not subject to design review, the following Type I modifications to standards:

- 1) **Setbacks and separation requirements, if applicable, may be reduced by a maximum of 50 percent;**
- 2) Amenity areas may be reduced by a maximum of ten percent;
- 3) Landscaping and screening may be reduced by a maximum of 25 percent; and
- 4) Structure width, structure depth, and facade length

There are more departures listed, and some might work such as changing roof lines. But I suspect any large tree hanging over a new roof will be severely pruned to the detriment of tree health.

Thank you for considering these concerns. Feel free to forward in entirety and please include attribution.  
Tina

Tina Cohen, ISA Certified Arborist #PN0245A  
ISA Tree Risk Assessment Qualified  
Member American Society of Consulting Arborists  
Registered Consulting Arborist #473, **retired**

**From:** Steve Zemke <stevezemke@msn.com>  
**Sent:** Thursday, February 24, 2022 1:16 PM  
**To:** Bakker, Patricia <Patricia.Bakker@seattle.gov>  
**Subject:** Updated review of SDCI draft Tree Protection Ordinance  
Updated version  
Please share with Urban Forestry Commissioners  
Thank you  
Steve Zemke

Friends of Seattle's Urban Forest



*SDCI releases draft Tree Protection Ordinance update*

The Seattle Department of Construction and Inspections (SDCI) has released their long-awaited draft Tree ordinance. The current deadline to comment and respond to the draft and the SEPA Determination of Non-Significance (DNS) is March 3rd.

**Quick comparison of drafts with current tree protection ordinance (SMC 25.11)**

	<a href="#">SDCI draft</a>	<a href="#">Urban Forestry Commission draft</a>	Current <a href="#">SMC 25.11 - Tree Protection</a>
<b>large exceptional trees protected unless hazardous</b>	24" DBH plus Director's Rule	24" DBH plus Director's Rule	30" DBH plus Director's Rule.
<b>trees on site plan</b>	12" DBH and larger	6" DBH and larger	6" DBH and larger
<b>estimate of SF zone trees covered</b>	18%	45%	45%
<b>SEPA appeal possible</b>	no	yes	yes
<b>Replacement fee in lieu for developers</b>	yes	yes	no
<b>in lieu fee goes to</b>	SDCI general budget	Replacement and Preservation Fund	no fund
<b>exceptional trees that can be removed outside development</b>	none, unless hazardous	none, unless hazardous	none, unless hazardous
<b>significant trees that can be removed by property owners outside development</b>	3 - 12" DBH trees/year	2 significant trees 6" DBH and larger in 3 years	3 significant trees 6" DBH and larger /yr

<b>Developers required to replace significant trees and exceptional trees</b>	Significant Trees 12" DBH and larger and all exceptional trees	All trees 6" DBH and larger	24" DBH trees and larger and all exceptional trees
<b>register tree care providers</b>	Yes -separate bill	yes	no
<b>permits for removing significant trees on private property</b>	Voluntary reporting	yes	no
<b>2 week posting permits on site/on-line</b>	no	yes	no
<b>tree inventory before building permit issued</b>	no	yes	no
<b>tree replacement based on tree size for developers</b>	one tree upon maturity roughly proportional to canopy removed	more trees required as removed tree diameter increases, 25 years to replace canopy lost	one tree upon maturity that reaches equivalent canopy of removed tree
<b>Tree replacement required for trees removed 1 year before property purchased</b>	no	yes	no
<b>Maximize retention of significant trees during entire development process</b>	no	yes	no
<b>Covers all land use zones in the city</b>	No –excludes industrial, downtown and others	yes	no

**Several major issues of concern with SDCI draft:**

- reduces the number of trees that developers need to inventory on single family zones from 45% to 18%
- makes all decisions by SDCI regarding implementation of SMC 25.11 (tree protection ordinance) final and not appealable to a Hearing Examiner
- does not require maximizing the retention of existing trees once building permits are issued for development sites

- replacement trees by developers only 1 for1 regardless of size of tree removed
- minimal inclusion of provisions recommended to be included by the Seattle Urban Forestry Commission

**Send comments on draft and SEPA to [gordon.clowers@seattle.gov](mailto:gordon.clowers@seattle.gov) - deadline Thur. March 3, 2022.**

- Urge 2-week extension from March 3<sup>rd</sup> to allow people more time to analyze draft and respond
- Urge SDCI drop proposal to use Master Use Permit 1 classification when implementing SMC 25.11

## Documents

- [SEPA DNS Notice](#)
- [SDCI draft Ordinance](#)
- [Directors SEPA report on draft Ordinance](#)
- [SEPA checklist](#)

You can see all 2 additional links on draft Director's Rules here - [SDCI - NOTICE OF DETERMINATION OF NON-SIGNIFICANCE FOR THE TREE PROTECTION CODE UPDATE](#)

## Preliminary Analysis of Feb 17, 2022 draft SDCI Tree Ordinance issues

Steve Zemke

The most significant problem is that SDCI added language in the first couple of pages of their draft that says implementation of SMC 25.11 would now fall under Master Use Permit I

classification. That means that **SDCI decisions regarding trees during development will no longer be appealable to the Hearing Examiner**. Under this designation, the Director or anyone he designates will be able to make decisions regarding tree protection and also issue SEPA Determinations of Non-Significance and they will be final and not appealable. See [Tip 201 Seattle permits Master Use Permits \(MUP\) overview](#)

for more information on MUPS.

**Under the SDCI proposal, only trees 12" DBH and larger would be on site plans.** The current requirement is that site plans show all trees 6" DBH and larger.

The [Seattle's Ecosystem Services Report](#) done in 2012 states that "...within the Single-Family Residential management unit, 18% of the urban forestry trees are over 12 inches in diameter and 55% are less than 6" in diameter. On average 46% of the tree species that will be large at maturation currently have a trunk diameter less than 12 inches."

This means that 45% of Seattle's trees in the single-family zone are over 6" DBH. **SDCU want to reduce the trees on site plans to only include those 12" DBH and larger which is only about 18% of the trees on single family sites.**

In their SEPA Draft Director's Report Tree Regulations Updated Feb 11, 2022, Table 5 says regulating trees 12" DBH and larger plus exceptional tree equals 16% of the sites in the applicable zones.

**SDCI ignores the recommendation to adopt Portland's Tree Inventory Assessment program (which uses Excel) to do Tree Inventory and Landscape Plans prior to a building permit being issued.** This would save time and money required to have SDCI enter the data. Based on the data SDCI recently compiled from site plans it should also increase the accuracy of data as many site plans were shown to have incomplete data.

**Payments for tree replacement are set by Director's Rule, not set in the ordinance** as Portland did originally. The draft does not indicate what funds would be collected to plant trees as that would be decided by a Director's Rule. It also does not mention the need to include funds for maintaining and watering up to 5 years to help ensure the trees survive.

**Physical replacement for trees on site is only 1 for 1.** Many other cities require that as the size of the tree removed increases so does the number of trees that need to be replanted, SDCI keeps the current language in SMC 25.11 that only says remove a tree, replant a tree that at maturity approximates the one removed. This overlooks the current value of the tree's ecosystem services and ignores the continued growth and value of the tree if it was not removed. Also replanting an 80-year-old Douglas fir tree takes 80 years to replace in equivalency. We need to preserve as many existing trees as possible while planting enough trees to reach equivalency in 20 to 25 years.

**Replacement in lieu fees go into SDCI general funds, not into a dedicated Tree Planting and Preservation Fund that has separate accounting like Portland, Oregon does.**

**SDCI draft does not create a separate Urban Forestry Division or propose hiring professional urban forestry staff to oversee tree and urban forestry protection.** SDCI has recently had only 2 arborists on staff in a Dept. with 430 employees. Urban forestry needs to be professionally staffed with qualified trained scientists, not just arborists.

**SDCI draft needs to sync its tree related definitions with the definitions in the SDOT Tree Ordinance** and add more definitions. See [SMC 15.02 definitions](#)

SDCI, under SMC 23, is required to maximize the retention of existing trees during platting and short platting. Yet this provision, unlike in Austin Texas, ends at this point. **The draft needs to add that throughout development, developers need to maximize the retention of existing trees.** The current

proposal allows developers to clearcut lots and gives no protection or reason for developers to protect 6-12" DBH trees that are needed for future climate resiliency as older trees die. These trees are already survivors having grown to this size, whereas planting new trees have been shown to only have a 50% survival rate after 20-30 years. See "[How Many Trees Are Enough? Tree death and the Urban Canopy+](#)

**Need to give SDCI staff the legal authority to enter property to investigate if a violation of the Tree Protection Ordinance is reported to be occurring.**

**Need to require permits to remove trees starting a 6" DBH.** If a tree care provider does work, they file for the permit as they are the most knowledgeable, otherwise the homeowner can do it online, including tree species, diameter at 54" high photo and photos of tree from a distance and leaf or needle picture for identification. Other cities do require photos to document the tree. A [number of local cities require permits starting at 6" DBH](#) and Seattle Dept. Of Transportation. These cities include Black Diamond, Issaquah, Kirkland, Lake Forest Park, Medina, Redmond and Woodinville.

**Need to be consistent with SDOT and require 2 weeks posting of applications to remove trees.** The permits also have to be available to see to see online. Without permits to remove trees you continue the current complaint-based system which does not save trees or let neighbors know what is happening. Other cities require permits to remove trees and it works.

SDCI needs to review and add other provisions from the [Seattle Urban Forestry Commission's draft Tree and Urban Forest Protection Ordinance](#). and its [voluminous volume of recommendations over the last 13 years](#). The 2019 UFC draft was produced based on 10 years of recommendations produced by the Seattle Urban Forestry Commission. SDCI doesn't even mention the [draft UFC Tree and Urban Forest Protection Ordinance](#) in their timeline of efforts to update the ordinance.

PLUSES:

**Developers must replace all exceptional trees and trees 12" DBH or larger that are removed.**

Developers can pay a replacement fee to replant these trees off site in public areas for street trees and parks.

The upper limit for exceptional trees is lowered from 30" DBH to 24" DBH making it easier to identify what is an exceptional tree and will save more large trees.

Lowers threshold for trees homeowners can remove which will protect more trees. Homeowners can remove 3 trees per year that are less than 12" DBH. Current ordinance says property owners can remove 3 significant non-exceptional trees per year. Shoreline allows 3 trees in 3 years. SDCI draft would allow 9 trees in 3 years. Current draft does not require property owners to replace removed trees even with one tree as Portland and other cities require.

Last updated 2/24/2022

Please let me know if you have questions or believe I have gotten something wrong. Thank you.

Steve Zemke [stevezemke@msn.com](mailto:stevezemke@msn.com)

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