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TO:

Re: Urban Forestry Commission comments on SDCI and OSE's proposed tree protections code update

Dear _____,

The Urban Forestry Commission (UFC) thanks SDCI for their work over several years developing a proposal for updating Seattle's tree protection code. Such an update is long overdue. The UFC eagerly reviewed the proposal. Commissioners recognize that the proposal offers some improvements over the existing tree protection ordinance. However, the UFC also finds that the proposed changes remove community input from important land use decisions, will lead to management decisions that are not data driven, will continue undervaluing trees, and fail to equitably replace those that are removed.

The proposed changes would remove community input from land use decisions that affect them.

The proposed changes to 23.76.004 and 23.76.006 would establish application of tree provisions as a TYPE I decision within the land use decision framework. These decisions are defined as those that "require the exercise of little or no discretion..." and may not be appealed through a hearing examiner.

The proposed changes would maintain a system where incomplete data is collected inefficiently, where management decisions must be made with unreliable and infrequently updated data, and where enforcement is driven by community-based complaints.

The City has never had an adequate system for tracking tree loss on private property. Without a permitting system, the city must rely on voluntary reporting and infrequent canopy cover analyses to inform management decisions. Both Vancouver, British Columbia, and Portland, Oregon require permits for removal of trees greater than 12" DSH on private property.

Without permits and posting requirements, enforcement will still rely on a complaint-based system from residents. Even when legal tree removal is occurring, residents may be concerned and report the removal.

Commented [JM1]: Questions for UFC:

Is the DNS deficient?

Where are the improvements we should celebrate in the draft?

Where are the steps back?

Do we have blocking concerns?

Can our concerns be worked out in the council amendment process?

Do we believe they will be worked out?

What is our goal in this letter? To respond to SDCI? Or...

Commented [JM2]: I may have a poor understanding of this change. Application of tree provisions may already be a TYPE I Decision under "Application of development standards for decisions not otherwise designated Type II, III, IV, or V"

The proposed changes would require developers to identify significant trees greater than 12" DSH and all exceptional and potentially exceptional trees on site plans. For better data-driven management decisions, it would be more beneficial to have developers inventory all significant trees on sites and to share that information in a format that could easily be integrated with the City's Accela database system. The proposal would maintain the cost and inefficiency of relying on City personnel to import the tree data from site plans.

The proposed changes would continue undervaluing trees.

Maintaining the removal limit of three trees per year

No language expressing an expectation that developers maximize tree retention throughout the development process.

Allowing unlimited removal of trees between 6-12" on developed property fails to recognize the value of smaller trees

The proposed changes will fail to equitably replace removed trees.

The proposed update only requires replacement trees to "result, upon maturity, in a canopy cover that is at roughly proportional to the canopy cover prior to tree removal." An "upon maturity" time horizon is too vague to be helpful, and canopy cover is a limited way to think about tree replacement. A mature, 40'-tall Douglas Fir might have a spread of 15 feet, a spread that could easily be replaced by a Japanese maple, which grows significantly smaller but can attain a spread similar to or even greater than Douglas Fir.

The long growth time required for replacement trees to attain the stature of the tree removed results in a lag during which the values and services provided by the replacement tree are far less than what the removed tree previously provided to people and wildlife will be provided. The lag time can be reduced by requiring a greater replacement ratio for tree removal. The City's own standard for tree replacement is 2:1. That is a better starting point.

The proposal would only replace trees that are removed from development or from trees that were caused to become hazardous

The UFC recognizes and appreciates the following improvements over the current code:

- Establishing in 25.11.010 that a purpose and intent of tree protections is to support the goals of the City's Urban Forest Management Plan, specifically those related to existing Citywide policies that commit the City to realize its vision of racial equity and environmental justice.

- Establishing significant trees as any non-exceptional tree 6 inches or greater DSH. However, this comes with the caveat that the only time the 6 inch standard for protection is for those trees on undeveloped lots. In all other instances, 12 inches is used as the threshold for protection. Why?
- Adding definitions of other relevant terms.
- Adding subsections to clarify conditions, requirements, and process for emergency actions and hazardous tree removal.
- Reducing general threshold size for exceptional tree status from 30" DSH to 24" DSH.
- Establishing a fee in lieu system.

Other comments

Sincerely,

The Urban Forestry Commission

cc: