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Draft UFC comments re: TPO amendments

Dear members of the Seattle City Council Land Use Committee:

Thank you for your continuing attention to updating Seattle's tree protection regulations.

UFC recommendations on conflicting amendments:

The UFC recommends A6 over A2. The UFC believes an 85% hardscape allowance on Multifamily zones is ill advised for the purposes of tree protection. A 100% hardscape allowance on Midrise, Commercial, and Seattle Mixed seems to nearly guarantee tree loss. As we increase density, we also need to plan for supporting trees on private property in places where people live. 0-15% of lots is insufficient.

The UFC recommends G2 over A4. Best practices for delineating tree protection areas are more closely aligned with amendment G2.

The UFC recommends E6 over E2. The UFC believes the fee in lieu structure proposed in amendment E6 will better support city-led mitigation efforts.

UFC Recommendations by amendment:

Group I – Amendments for Individual Vote

A. Development Capacity and Development Standard Modifications				UFC recommendation	UFC Notes
#	No.	Short title	Sponsor(s)		
1	A2	Development area percentage in Midrise, Commercial and Seattle Mixed zones	Strauss	OPPOSE	
2	A6	Maintain current FAR method for determining when trees can be removed in Lowrise, Midrise and Seattle Mixed zones	Pedersen	SUPPORT	UFC recommended this in the April 7, 2023 letter
3	H3	Findings related to the public health, safety, and welfare associated with tree preservation and protection	Pedersen		

Commented [JM1]: A2/A6 are conflicting; only one can move forward.

4	A3	Development standard modifications	Strauss		
5	A5	Tier 2 tree removal allowance and accessory dwelling units	Strauss		

G. Tree Protections During Development				UFC recommendation	UFC Notes
#	No.	Short title	Sponsor(s)		
6	A4	Calculation of lot coverage standard – tree protection areas	Strauss	OPPOSE	
7	G2	Tree protection area delineation	Pedersen	SUPPORT	The UFC recommended “that the ordinance support various methods of determining the tree protection area, with the aim of providing multiple industry references for arborists to assess the tree protection need in the field. In addition to the “dripline” method, the ordinance should also reference ISA’s Critical Root Zone (CRZ) method, which establishes a circular tree protection area centered on the tree base, with a radius equal to one foot for every inch of the tree’s Diameter at Standard Height (DSH).”
8	G3	Temporary Reduction of Tree Protection Areas	Pedersen	SUPPORT	This was included in the April 7 recommendations

Commented [JM2]: A4/G2 are conflicting; only one can move forward.

9	G4	Off-site trees during development	Strauss		
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C. Permit Review Process				UFC recommendation	UFC Notes
#	No.	Short title	Sponsor(s)		
10	C1	Tree review improvements	Pedersen Strauss	SUPPORT	<u>This is in line with past UFC guidance / recommendations</u>
11	C2	Major Development Projects	Pedersen		
12	C3	Tree Protection Areas and subdivisions, short subdivisions, and lot boundary adjustments	Pedersen	SUPPORT	<u>The UFC recommended in the April 7 letter: the delineation of tree protection areas should be required as part of the tree protection report, including details as stated in section 25.11.060.C of the ordinance draft</u>
13	C4	Require certified arborist report and participation on application team	Pedersen		

E. In-Lieu Fees and Tree Replacement Requirements				UFC recommendation	UFC Notes
#	No.	Short title	Sponsor(s)		
14	E2	Minimum in-lieu fee payment for Tier 1 and Tier 2 trees	Strauss	OPPOSE	
15	E6	Codify and increase in-lieu fee amount	Pedersen	SUPPORT	<u>UFC recommended this in the April 7, 2023 letter</u>
16	E4	Increase tree replacement requirements	Pedersen	SUPPORT with caveats. The UFC supports higher mitigation requirements, but requiring mitigation trees to average six caliper inches DSH may result in poor survivorship. Larger	<u>This recommended change to the replacement requirements was included in the UFC recommendations from January 4, 2023; the April 7 UFC</u>

Commented [JM3]: E2/E6 are conflicting; only one can move forward.

				nursery stock tends to transplant poorly. For this reason, the UFC recommends removing the DSH requirement.	<u>recommendations updated the recommended replacement requirements: "The UFC recommends increasing mitigation requirements with increasing size of the removed tree."</u>
17	E1	Relationship to Green Factor requirements	Strauss		
18	E5	Off-site replacement in low-canopy areas	Pedersen		
19	E8	Require replacement of failed replacement trees for ten years	Pedersen		
20	E11	Relocated and replacement tree locations	Strauss		

F. Tree Service Providers				UFC recommendation	UFC Notes
#	No.	Short title	Sponsor(s)		
21	F1	Exempt fruit trees and hedges from reportable work	Strauss		
22	F2	Penalties for unregistered tree service providers	Strauss		
23	F3	Removal from tree service provider registry	Strauss		
24	F4	Modification of definition for reportable work	Strauss	SUPPORT	<p>After discussion with the Seattle Arborist Association, the UFC agrees that the threshold for reportable work should be higher, as proposed in Amendment F4. This is a change in the UFC's opinion.</p> <p>Note that the present canopy removal is really difficult to quantify and may</p>

					prove difficult to enforce.
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H. Other Substantive Amendments				UFC recommendation	UFC Notes
#	No.	Short title	Sponsor(s)		
25	G1	Street tree requirements in Neighborhood Residential and Commercial zones	Pedersen		

Group II Amendments

B. Urban Forestry Programs and Budget				UFC recommendation	UFC Notes
#	No.	Short title	Sponsor(s)		
1	B11	Create an attachment with requests for future work	Strauss		
2	B2	Assistance for low-income residents	Pedersen Strauss	SUPPORT	<u>This is generally in line with previous UFC recommendations related to reducing burdens of tree management and care for residents in low-income communities.</u>
3	B3	Future Council actions to support urban forestry programs and enforcement	Strauss	SUPPORT	<u>This responds to some of the questions the UFC posed around the Heritage Tree program in the April 7 recommendations letter</u>
4	B4	Reporting requirements	Pedersen	SUPPORT	<u>UFC recommended these additional reporting requirements in the April 7</u>

					recommendations letter
5	B5	Outreach to residents and tree service providers	Morales	SUPPORT	This is in line with past UFC guidance/recommendation that education will be a necessary component following passing a new ordinance.
6	B6	Improving management of trees on City property	Nelson		This amendment to the ordinance would not amend SMC chapters 23 or 25 (as the bulk of the ordinance does), but rather would include these requests related to public lands. Patti's input: This is beneficial information for the city to develop, and will be big part of the effort to develop the Tree Canopy Equity and Resilience Plan, but pulling together this information in time for the 2024 budget process would be outside of that planning effort and potentially premature.
7	B7	Tree fund	Pedersen	SUPPORT	UFC recommended this in the April 7, 2023 letter

8	B10	Urban forestry oversight improvements	Strauss		
I. Non-Substantive Technical Amendments					
#	No.	Short title	Sponsor(s)		
9	I1	Tree groves clarification	Pedersen Strauss	SUPPORT	This was included in the UFC April 7 recommendations letter
10	I3	Emergency action clarification	Strauss		
11	I4	Tree service provider activities and qualifications clarification	Strauss		
D. Tree Removals Outside of Development					
#	No.	Short title	Sponsor(s)		
12	D1	Add exemption for tree removal due to pathogens	Strauss		
13	D3	Allow tree removal to avoid conflicts with utility infrastructure and building foundations	Strauss		
14	D5	Exemption for dead trees	Strauss		
15	D6	Exemption for invasive and nuisance species	Strauss		
16	D7	Exemption for developed lots with high-canopy cover	Strauss		
17	D8	Allow tree removal to improve access for the elderly and people with disabilities	Strauss		
E. In-Lieu Fees and Tree Replacement Requirements					
#	No.	Short title	Sponsor(s)		
18	E3	Authority to create Director's Rule for replacement trees	Herbold Pedersen Strauss		
19	E9	Prohibit applications for new development on sites with an active Tree Code notice of violation	Pedersen Strauss		
20	E10	Racial equity considerations and use of in-lieu fee revenues	Morales		
H. Other Substantive Amendments					
#	No.	Short title	Sponsor(s)		
21	H1	Removal of invasives during development	Pedersen Strauss		
22	H2	Add benefit and goals recitals and modify purpose and intent	Strauss		

23	H4	Process for modifications to Tree Code requirements for excess mitigation or severe economic hardship	Strauss		
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