

April 5, 2023

RE: Urban Forestry Commission recommendations re: CB 120534

Dear Seattle City Council Members and Mayor Harrell,

The Urban Forestry Commission (UFC) thanks you for your time and attention to update Seattle's Tree Protection Regulations.

The Urban Forestry Commission exists per city ordinance 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. All commissioners serve on a volunteer basis; the UFC is always willing to provide input on such important policy development.

The UFC is disappointed with the City's policy development process relating to CB 120534. From the UFC perspective, the proposed legislation appears to have been developed behind closed doors without substantive participation by the Commission and other stakeholders. The March 2023 draft is substantially different from the February 2022 draft the UFC had seen last and made a substantial list of recommendations on. The timeline established by the City Council for acting on the proposal is relatively short given the complexity of the policy and the implications for our city. The UFC does not feel there has been adequate time for all interested stakeholders, including this Commission, to reflect and make well-informed recommendations.

However, ~~Ww~~We know first hand that Seattle's urban forest is in decline and threats are mounting. Our expertise in the field and past and present data, points to the reality that Seattle cannot take its canopy for granted. A change in the way we manage our trees is past due. We applaud the mayoral office in aiming with this ordinance to:

- Improve regulations on private property, where more than half of our tree canopy is located,
- Increase tree canopy, especially within neighborhoods and communities with low tree canopy.

However, a tree protection ordinance is not a panacea, as stronger regulations alone will not reverse Seattle's canopy decline. At best, it will reduce unnecessary and untimely tree removals and support some tree replacement. Reaching our canopy goals will require more collective efforts that center racial and social justice.

The UFC acknowledges that these recommendations are incomplete. The Commission urges the City Council to review these suggestions and recommendations in combination with those from other stakeholders and to improve the proposal through amendments, especially where multiple groups have shared goals in common.

Enumeration of support for general policy updates

The UFC supports the following elements that are in the current draft ordinance:

Commented [1]: Suggested outline for letter:

1. Salutation and thank you
2. Context setting: state of urban forest and importance of TPO as tool for addressing canopy decline.
3. Enumeration of support for general policy updates.
4. Specific recommendations section-by-section
5. Questions from the UFC to the city
6. Invitation to meet
7. Thank you.

Commented [2R1]: As is, it seems too long. I was wondering if we can model from the seattle arborists who created a more concise letter. Can we provide overall recommendations as opposed to each individual one?

Commented [3R1]: That would be ideal; maybe we could organize into a one-pager after wall agree on the specific recs?

Commented [4]: the next paragraph starts with however, so wondering if it is needed here to find another first word so it is not repetitive.

Commented [5R4]: Thanks, Jessica!

- Lowering the general size threshold of 30" DSH to 24" DSH for Tier 2 / Exceptional Tree designation.
- Requiring street trees when establishing, constructing, or modifying principal single-family dwelling units on Neighborhood Residential, Commercial, and Seattle Mixed zones.
- Increasing protections for Tier 1 / Heritage Trees.
- Requiring replacement of all trees 12" DSH and larger removed for development.
- Offering a voluntary fee in-lieu system to support tree replacement when trees 12" DSH or larger cannot be replaced on-site or on public property nearby.
- Further restricting removal of trees when no development is proposed
- Protected trees and replacement trees ~~are-being~~ covered by a covenant
- Requiring five-year maintenance and survivability for relocated and replaced trees
- Requiring six-day advance notice online of tree work

The UFC would like to see the following items additional addressed in the ordinance:

- **Prioritizing** environmental and social justice principles that can be tracked with short-term goals. (e.g. what is the % of tree canopy this current administration wants to reach as opposed to the long-term goal of 2037?).
- Strengthening the connections between this ordinance and affordable housing.
 - As is, it is unclear how this ordinance is supporting affordable housing in the city. While we can infer how this is being connected, strengthening this connection can help us address the lens that is being used to support affordable housing with changes made to this ordinance.
 - Apart from some exemptions to the Yesler Terrace Project and permanent supportive housing, it is unclear how this legislation is connected to housing production of affordable housing.

Commented [6]: In a discussion with the SAA, did we think that limiting notice requirements to tier 3 and above would solve some of the onerous reporting requirements and limit the chance for horticulturists to be in violation of the TSP requirements?

Commented [7R6]: Do they operate 7 days a week? 6 days is almost a week, or more than a week if they only operate 5 days/week. M-F or M-Sunday

Commented [BP8]: Pull first two bullets into another section; these are items the UFC would like to see but aren't in the ordinance yet.

Specific recommendations section-by-section

23.45:

UFC concern. 5 feet is a really small amount of space. The known negatives that a developer. No sidewalk option that it would restrict their building space that they might find a way to fight that.

Commented [BP9]: Concern that this is not actually a helpful provision.,there is not always space in the ROW

23.47A.016 Landscaping and screening Standards (Commercial Zones)

§B.2.Exceptions to street tree requirements:

...

- 3) Expanding a structure by 1,000 square feet or less;

Commented [BP10]: Recommend any addition should be required to plant street trees as addition is removing areas where trees could be planted.

This subsection exempts street tree requirements for structure expansions up to 1,000 square feet. ***The UFC believes the threshold for exemption should be 500 square feet or less.***

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More than half the area of Neighborhood Commercial and Commercial zones are located within Environmental Justice Priority areas (Table A). These neighborhoods are statistically more likely to have lower canopy cover and a higher proportion of residents of color or residents with lower incomes. Investing in these communities should be a priority for the City.

Table A: Acres of management units in equity priority areas.

Zone	Acres in Highest Equity Priority	Acres in Second Highest Equity Priority	Acres in Middle Equity Priority	Acres in Second Lowest Equity Priority	Acres in Lowest Equity Priority	Total Acres	% in EJ Priority*	% of EJ Priority Area
Commercial	339	295	354	64	152	1,203	53%	3%
Neighborhood Commercial	761	731	477	422	407	2,798	53%	6%
High-Density Multi-Family	131	201	132	96	42	602	55%	1%
Lowrise Multi-Family	1,316	1,185	1,175	1,162	906	5,745	44%	11%
Master Planned Community	38	5	0	0	0	43	100%	0%
Neighborhood Residential	4,284	6,099	5,391	7,888	9,100	32,761	32%	45%
Residential Small Lot	601	357	161	130	112	1,361	70%	4%
Seattle Mixed	115	88	389	121	74	785	26%	1%
Major Institutions	666	262	115	56	41	1,140	81%	4%
Downtown	346	213	97	126	131	912	61%	2%
Industrial	1,871	3,167	508	510	124	6,180	82%	22%

*EJ Priority = sum of Highest and Second Highest Equity Priority. Data from City of Seattle Zoning Map and Race and Social Justice Index.

25.11.010 Purpose and intent

The UFC recommends revising and restructuring the purpose and intent to ensure clarity and reading of the code, by incorporating the language suggested below.

The current ordinance and this proposed CB120354 do not separate the purpose and intent; the UFC believes this is important. The purpose should explain why we are establishing regulations and processes for trees, the Intent should describe how we actualize the purpose.

25.11.010 Purpose and intent.

A. It is the purpose of this chapter to protect and enhance the public health, safety, environment, and general welfare of the people of the City of Seattle by establishing protections

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and processes for Seattle's trees and urban forest located on both public and private land because they provide necessary and substantial economic, social, health and environmental benefits needed for a thriving, livable and resilient city. These benefits include improved mental and physical public health, stormwater retention, wildlife habitat preservation for birds and other species, pollution reduction, climate change mitigation and adaptation, erosion control, urban heat island reduction, wind protection, and aesthetic beauty.

B. It is the intent of this chapter to:

1. Preserve and enhance the city's environmental, physical and aesthetic character by preventing untimely, unnecessary or indiscriminate removal or destruction of trees and our urban forest on undeveloped land, developed land, and land undergoing development by:

a. Establishing categories of regulated trees;

b. Protecting regulated trees because their historical, ecological, social equity/justice, cultural, habitat, environmental services or aesthetic value constitute an important community resource;

c. Protecting trees on undeveloped or vacant sites that are not undergoing development and prevent unnecessary or premature loss of trees so their retention may be prioritized and encouraged during the development review and approval process.

2. Facilitate tree protection efforts by granting flexibility for certain development standards and innovative construction practices and promote site planning and horticultural practices that are consistent with the reasonable use of property, including:

a. Encouraging flexibility in design and site planning to protect regulated trees;

b. Encouraging and increasing retention of trees through the design review and other processes for projects, through education concerning the value of retaining trees, and by regulating and limiting their removal;

3. Require replacement when certain regulated trees are removed to compensate for their loss. Replacement requirements will also:

a. Ensure the survival and protection of required replacement trees;

b. Track tree removal and replacement over time by establishing improved data collection and accountability through Commercial Tree Work reporting requirements;

Commented [12]: Cut this; not addressed: d. Emphasizing protection and planting of native trees and vegetation; species and age diversity, planting appropriate trees and plants for climate impacts, wildlife habitat and wildlife corridors to maximize the resiliency and benefits of nature within our urban environment by protecting and enhancing our green infrastructure.

c. Allow voluntary payment in-lieu of replacement for certain regulated trees when tree replacement on-site or on nearby public property is not possible or advisable;

4. Promote responsible stewardship of our urban forest and code compliance by establishing a Tree Service Provider Registry;

5. Implement the goals and policies of Seattle's Comprehensive Plan especially those in the Environment Element dealing with protection of trees and the urban forest while balancing other citywide priorities such as housing production;

6. Implement the goals and policies of Seattle's Green New Deal, specifically as it relates to mitigating greenhouse gasses and improving climate resiliency for vulnerable communities; and

6. Support the goals and policies of the City of Seattle 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.

25.11.020 Exemptions

The UFC generally supports the exemptions proposed in CB 120354. ***The Commission recommends adding a reference to "pathogens" in subsection 25.11.020.I, to read:***

- I. Tree removal or commercial tree work as approved by the Director prior to removal in accordance with a recommendation from a certified arborist for an **insect, pest, and/or pathogen** infestation that does not meet a high risk hazard,...

Please also see the UFC's recommendation below to add an additional Director's Rule clarifying the conditions and process for exemptions based on insect, pest, and/or pathogen infestation.

25.11.030 Emergency actions

The UFC agrees with the language in the draft ordinance and supports the addition of this section clarifying the process for taking emergency action to remedy extreme risk of imminent failure of trees or tree parts.

25.11.040 Hazardous tree removal

The UFC supports the addition of this section clarifying the process for hazardous tree removal, especially requiring replacement of Tier 1, Tier 2, and Tier 3 trees when approved for removal as hazardous.

25.11.050 General Provisions for regulated tree categories

The UFC supports prohibiting removal or topping of regulated trees when no development is proposed on undeveloped lots in all zones.

Commented [BP13]: Address fee in lieu required of affordable housing projects; find a way to subsidize or otherwise reduce the burden to affordable housing developers.

"Extend payment-in-lieu exemption to affordable housing developments where at least 50% of units are rented to households 60% AMI or less or sold to households of 80% or less AMI"

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Commented [BP14]: Remove these items and include an appendix noting sections supported and sections with UFC recommendations.

The UFC supports prohibiting removal or topping of regulated trees on developed lots in Neighborhood Residential, Lowrise, Midrise, Commercial, and Seattle Mixed Zones. The UFC notes that this provision does not cover Downtown, Industrial, Highrise, Major Institution Overlays, Residential Small Lot. Is tree removal in these zones regulated by a separate ordinance?

Tree Tier Nomenclature

The UFC has heard concerns from community members that the proposed tree tier nomenclature has the potential to create confusion by changing the currently used and well known tree categories, namely “Heritage Tree,” “Exceptional Tree,” and “Significant Tree.” There is concern, too, that the tiered convention removes important value signifiers that the current names convey: “Heritage,” “Exceptional,” and “Significant” have emotional resonances not captured by the tier nomenclature.

The UFC has also heard an appreciation for the ease with which the tier nomenclature allows when discussing the code. No doubt it is simpler to say “Tier 3” rather than “Significant Tree between 12-24” DSH.”

The UFC recommends a hybrid approach, using categories as in the following example:

- Tier 1 – Heritage Trees
- Tier 2 – Exceptional Trees
- Tier 3 – Significant Trees 12-24” DSH
- Tier 4 – Significant Trees 6-12” DSH

Protecting Tier 1 / Heritage Trees.

The UFC supports prohibiting removal of Tier 1 / Heritage trees except when they are hazardous, and supports requiring their replacement when removed.

While these trees are worthy of protection, keep in mind that there are very few of them across the city: only about 258 according to SDOT street tree data. That’s approximately three-hundredths of one percent of Seattle’s estimated trees. Most are within the right-of-way or on parkland and therefore outside the purview of this legislation. While the individual protection of Tier 1 trees is great, the protection it represents to the urban forest overall is negligible.

The UFC also notes that, historically, Heritage Trees have been designated through a nomination process co-sponsored by Plant Amnesty and SDOT. Will the City continue to allow heritage nominations? Will that program be updated and supported? If not, how will new Heritage trees come to be?

Tree removal allowances outside of development

The UFC supports limitations on tree removal allowance outside of development. However, the current proposal, which reads “no more than two Tier 4 trees may be removed in any three-year period in Neighborhood Residential, Lowrise, Midrise, commercial, and Seattle Mixed zones, and no more than three Tier 3 and Tier 4 trees may be removed in any one-year period in all other zones.” is confusing and inconsistent.

The UFC recommends simplifying to “no more than three Tier 4 trees may be removed in any three-year period in all zones.”

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Commented [15]: What do folks think about this? Was recommended by Weston Brinkley.

In cases where there are no proposed developments, Tier 3 trees may be removed in zones other than Neighborhood Residential, Lowrise, Midrise, Commercial, and Mixed zones. However, it is unclear whether a permit is required for the removal of Tier 3 trees and how the tree replacement process will be carried out. The UFC proposes that Tier 3 trees should not be removed in all zones if no development plans are in place, and urges clarification on the permitting process.

Commented [BP16]: What are other zones? They should be listed - how do people know what the other zones are?

The Seattle Arborist Association has expressed concern about the potential for these restricted removal allowances to disincentivize tree ownership, stewardship, and proactive management. Given that 80% of canopy loss on Neighborhood Residential zones was found to not be associated with development in the 2021 City of Seattle Tree Canopy Cover Assessment, the UFC believes the proposed restrictions are warranted. However, the City needs to establish rigorous monitoring and evaluation requirements for this legislation, and set a process for adjusting the code based on learning after implementation. If we find the new restrictions disincentivize tree ownership, stewardship, or proactive management, the City must adjust in a timely manner.

25.11.060 Determination of Tier 1, Tier 2, Tier 3, and Tier 4 trees, including tree protection area delineation

Establishing appropriate tree protection areas is critical for ensuring the long-term viability of trees retained throughout the development process. Inadequate tree protection areas during development may stress, injure, or kill a tree. Signs may not manifest until well after building development is complete.

The proposed basic tree protection area would be defined as the “area within the drip line of a tree, which may be irregular in shape to reflect variation in branch outer limits.” Since trees in urban environments are often limbed and pruned in irregular ways, a definition based on drip line may not be the best first pass at tree protection delineation. There is also concern that a tree may be intentionally pruned in such a way to create a basic tree protection area that is more favorable to development, but does reflect below ground conditions.

The UFC recommends that tree protection areas be defined using a combination of “drip line” and the ISA’s “Critical Root Zone.” As a general rule, Critical Root Zones should be circular, centered around the base of a tree, and have a radius of one foot for every inch of a tree’s DSH. For example, the Critical Root Zone of a 30” DSH tree would extend 30 feet from the base of the tree in all directions.

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Commented [17]: How do we incorporate drip line into this?

Tree protection areas should be delineated early in the permit application process so that building designs may be drawn to avoid them.

The UFC does NOT support temporarily reducing tree protection areas during specific construction activities. This provision is subject to wide and generous interpretation, and given the lag time between

stressor and stress signs in trees, it is advisable to maintain the tree protection area throughout all construction activities. *Therefore, the UFC recommends that proposed subsection 25.11.060.A.d. be removed.*

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The City has claimed that all regulated trees would be required to be documented on all plan review sheets. However, Tier 4 trees are currently missing from the list of required trees on the proposed 25.11.060.B.1. *Please amend so that it reflects the city's intention:*

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B. Site plan requirements

1. Tier 1, Tier 2, Tier 3, **and Tier 4** trees are required to be documented on all plan review sheets within a plan set submitted for a Master Use Permit or building permit.
2. Tree protection areas as determined by subsection 25.11.060.A for all Tier 1, Tier 2, Tier 3, **and Tier 4** trees are required to be identified on site plans...

The UFC supports allowing the director to require a tree protection report.

The UFC supports protecting by covenant:

- Tier 1 trees that are not determined to be hazardous or in need of emergency action;
- Tier 2 trees that are not proposed to be removed; and
- Tier 3 trees that are not proposed to be removed.

Commented [BP18]: Move to appendix

25.11.070 Tree protection on sites undergoing development in Neighborhood Residential, Lowrise, Midrise, commercial, and Seattle Mixed zones

The UFC acknowledges the desire to provide predictability to builders through the code. The 85% hardscape allowance in Lowrise, Midrise, Commercial, and Seattle Mixed zones proposed in section 25.11.070.B attempts to provide that predictability.

This is a novel proposal, to the UFC's knowledge, not tested in other jurisdictions. It is unclear how, in reality, this will serve to provide the clarity desired by builders or tree preservation as intended by these regulations.

This needs to be studied using real-world examples. Table B shows the approximate square footage of a tree's tree protection area assuming one foot of radius for every inch of DSH. Assuming a tree's entire tree protection area were entirely within a lot, **the 85% hardscape allowance would not protect even a single, standard 24" Tier 2 / Exceptional tree, even reducing its tree protection area by 35%**, as the Director might allow under proposed 25.11.060.A.4.b.

Table B: Approximate tree protection area sizes for trees of a given

DSH (inches)	Approximate TPA (ft²)	TPA % of 5,000 ft² lot	TPA % of 6,400 ft² lot	Approximate TPA reduced 35% (ft²)	Reduced TPA % of 5,000 ft² lot	Reduced TPA % of 6,400 ft² lot

6	113.1	2%	2%	73.5	1%	1%
12	452.4	9%	7%	294.1	6%	5%
17	907.9	18%	14%	590.1	12%	9%
22	1520.5	30%	24%	988.3	20%	15%
23	1661.9	33%	26%	1080.2	22%	17%
24	1809.6	36%	28%	1176.2	24%	18%
30	2827.4	57%	44%	1837.8	37%	29%

The UFC has doubts that the 85% hardscape allowance will serve to protect Tier 2 trees. This has potentially serious implications for canopy equity and our canopy goals, given that:

- LR, MR, C, and SM zones currently account for 21% the total land area of Environmental Justice Priority Communities (Table A). These communities already tend to have lower canopy. Are we confident an 85% hardscape allowance will not exacerbate canopy inequities?
- Upzoning significant portions, or all, of Neighborhood Residential zones to allow multifamily development is highly probable in Seattle’s near future. A plurality of Environmental Justice Priority areas are currently zoned as Neighborhood Residential (45%).
- By the City’s analysis in the 2021 Canopy Cover Assessment, 80% of canopy loss on Multifamily zones was attributable to development.
- If canopy cover on even one-fifth of the land currently zoned as Neighborhood Residential is reduced to the current average canopy cover on Multifamily, that would represent a potential canopy loss of nearly 460 acres; almost twice the loss between 2016-2021.
- Finding public land on which to add trees is challenging: competition with overhead and underground utilities limits opportunity in the right of way. Parks natural areas are already at 82% canopy cover.
- The urban forest and Environmental Justice Priority areas may be better served if we attempt as creatively and earnestly to retain as many trees as possible on residential zones, including Multifamily zones, especially since we are likely to upzone significantly in coming years.

For these reasons, an 85% hardscape allowance seems ill advised. An additional 5% could make all the difference for retaining at least one 24” tree. Is the flexibility in the

The UFC recommends at least that to 25.11.070.B, to add, “if tier 2 tree(s) is removed to achieve 85% hardscape, 20% of the development impact area shall be used for replacement tree planting.” A dedicated tree area on site, instead of payment-in-lieu, will ensure we recover a certain level of canopy loss.

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Commented [19]: Clarification, please.

The UFC also recommends allowing additional design flexibility to encourage more tree retention. Please consult with builders to determine what additional design standard departures would be appropriate.

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A site design plan needs to be provided to demonstrate the lot coverage prior to tree removal.

25.11.080 Tree protection on sites in Major Institution Overlay Districts

25.11.090 Tree replacement, maintenance, and site restoration

The UFC supports tree replacement for removal of Tier 1, Tier 2, and Tier 3 trees, including hazardous trees removed in association with development in all zones. The UFC supports prioritizing on-site replacement.

The UFC recommends increasing the replacement requirement. The proposed ordinance would only require a replacement tree to result in a canopy roughly proportional to the canopy cover prior to removal.

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Tree loss is an event that occurs nearly instantly. Tree replacement is a slow process. There is a lag time during which replacement trees do not provide the same level of benefits as the original tree provided. This lag can be shortened by requiring additional mitigation.

The UFC recommends increasing mitigation requirements with increasing size of the removed tree. For example:

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Table C: UFC mitigation requirement recommendations

Removed tree size	Required Mitigation
36" DSH or greater	4 replacement trees
24"-36" DSH	3 replacement trees
12"-24" DSH	2 replacement trees

The UFC recommends that the ordinance incorporate specific guidelines aimed at ensuring the replacement tree's ability to survive, maintain good health, and have adequate space to grow. These requirements will facilitate the tree's eventual growth to fill the void left by the original canopy loss. Examples of such guidelines may include provisions for proper irrigation, sufficient soil volume, and identification of any potential conflicts with utilities.

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25.11.100 Tree service provider registration

The UFC supports the Seattle Arborist Association’s recommendations regarding amendments to 25.11.100.

In previous recommendations, the UFC advised maintaining the current definition of reportable work meaning “removal of branches 2” in diameter or greater; pruning or removal of roots 2 inches in diameter or greater; or removal of branches constituting 15 percent or more of a tree’s foliage-bearing area.”

“Reportable work” means pruning or removal of live branches 4 inches in diameter or greater; pruning or removal of live roots 2 inches in diameter or greater; or removal of live branches constituting 15% or more of a Tier 1 or Tier 2 tree’s foliage-bearing area.

The UFC also

25.11.110 Off-site planting and voluntary payment in lieu

The UFC supports establishing a payment in lieu of tree replacement. However, the payment structure proposed in the draft [Director’s Rule](#) does not seem adequate.

The Trees for Seattle Parks program estimates the cost of planting and establishing trees over a five year period at approximately \$4,000 (Table D).

Table D: Budgeted cost for tree establishment for Trees for Seattle Parks program

Tree Establishment Activity	Budget
Planting	\$371
Year 1 Watering (2x/wk/5mo)	\$1,022
Year 2 Watering (2x/wk/5 mo)	\$1,022
Year 3 Watering (2x/wk/2mo-1x/wk/3mo)	\$715
Year 4 Watering (1x/wk/5mo)	\$511
Year 5 Watering (1x/wk/3mo)	\$307
Total	\$3,948

Source: [Trees for Seattle Parks presentation](#) to the Urban Forestry Commission on Nov. 2, 2022..

Given this, the UFC is concerned that the draft [Director’s Rule](#) on payment in-lieu is not structured adequately to support City-run replacement and establishment for a five-year period. The UFC recommends establishing a base payment in lieu of \$4,000. The UFC is also concerned that the proposed payment in-lieu fee structure would allow trees that become Tier 2 / Exceptional at smaller statures to be removed for very little cost. For example, a Pacific Madrone becomes Tier 2 / Exceptional at 6” DSH.

The current payment in lieu for replacement of a 6" DSH Pacific Madrone would only be \$505.00. This is inadequate and needs to be corrected. ***The UFC recommends the following payment structure:***

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Payment Categories	Required Mitigation	Payment In-Lieu
Tier 1, Tier 2, and Tier 3 Trees	Cost per tree, or cost per square inch of trunk removed, whichever is greater	\$4,000 or \$17.87/square inch, whichever is greater.

However, the collected fee may not be adequate to achieve a 1:1 replacement ratio for Tier 3 trees.

25.11.120 Enforcement and penalties

25.11.130 Definitions

The UFC recommends the code to specifically state that Tree Groves fall within the Tier 2 tree classification in the definition of "tree grove". "Tree grove" definition should also be incorporated in the Director's Rule of Tier 2 trees.

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Section 9 Reporting

The UFC recommends significantly improving monitoring and evaluation of this legislation.

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Seattle's urban forest is managed by nine City departments and hundreds of thousands of individual property owners. Coordinated governance is challenging, and changes to the urban forest can have multiple social, technological, and environmental consequences.

Due to the complexity of urban forest ownership and management, and the potential impacts at different scales and across systems, it is difficult to predict the consequences some of the proposed regulations will have. Will tighter removal limitations outside of development increase illegal removal, disincentivize tree planting or care, or increase misuse of the TRAQ hazard assessment to facilitate removal of trees that may otherwise not be allowed to be removed? Do the departures from the design standards actually provide incentives for builders to protect trees? If so, how often, and in which cases, and is there more we can do? Is the hardscape allowance clear and does it provide helpful predictability to developers? How many Tier 2 trees has the hardscape allowance preserved? Do the regulations unduly delay new development without serving tree protection? Do the regulations redress canopy inequities as expected? How will the code impact the livelihoods of arborists, horticulturalists, and other professional stewards of our urban forest?

These questions and more remain to be answered. It is clear

The UFC believes monitoring and evaluation is a critical missing component of the proposed tree protections update.

The Department of Construction and Inspections shall prepare a report 12 months after the effective date of this ordinance on the use by permit applicants of the payment-in-lieu of tree replacement, design departure instances, estimate of trees ...

Section 9: Monitoring and evaluation

12 months after the effective date of this ordinance, and no less frequently than every three years thereafter, the Department of Construction and Inspections, in collaboration with the Office of Sustainability and Environment, the Urban Forestry Commission, and in consultation with outside experts and stakeholders, shall prepare and deliver a report to the Mayor and Chair of the City Council Land Use Committee, or its successor committee, on changes needed to ensure this ordinance serves its purposes, especially as it pertains to reducing indiscriminate tree loss, addressing canopy inequities, avoid undue delays or burdens on development. Specifically, the report shall include:

- The use by permit applicants of payment-in-lieu of tree replacement. This report shall include the number of permit applicants that used the payments, payment amounts, total payments collected, City costs related to tree planting and establishment, and any recommendations for changes to the payment amounts to be included in a revised Director's Rule. Recommendations for changes to fee amounts shall include consideration of adequacy of payment amount to replace removed trees, cover City planting and establishment costs, and effects of payment amount on permit applicant decisions about usage of the payment option.
- The use by permit applicants of development standard flexibility to preserve trees. This report shall include the number of permit applicants that take advantage of allowed departures from development standards to accommodate tree preservation. The report shall include the types of departures used and the number of trees preserved therefrom, as well as the number of trees removed. Recommendations for changes to the development standard departures shall include consideration for adequacy of tree preservation, adequate incentives to builders, and effects of hardscape allowance on tree preservation, replanting, and development processes.
- The number and location of replacement trees planted offsite. The report shall include descriptions, statistics, and qualitative reports about the replacement trees planted offsite, both through direct replacement by developers or by city-efforts funded by the One Seattle tree fund. The report shall include information on costs, survivability, and community reception and feedback.
- The role and responsibility of the City Urban Forester relative to these regulations. The report shall include recommendations on how the newly established City Urban Forester will interface with tree regulations on private property.
- Identification of unintended consequences. The report shall include an assessment of any unintended consequences arising from the implementation of this ordinance, including but not limited to inequitable canopy impacts on Environmental Justice communities; disincentivized tree ownership, stewardship, or proactive management; impacts to the livelihoods of urban forest professionals; bottlenecks

Add an additional Director's Rule for nuisance trees. The language in the code defines "Invasive tree" to mean "any tree species documented on the King County Noxious Weed Board's Class A, Class B, or Class C Noxious Weed lists. This potentially excludes some species of concern that are difficult to control

and should not be planted, including Cherry Laurel (*Prunus laurocerasus*), English Holly (*Ilex aquifolium*), and European Mountain-ash (*Sorbus aucuparia*). A Director's Rule would provide additional clarification on which species specifically to avoid.

Add an additional Director's Rule concerning pest, pathogen, and insect infestations. New, longer, and more severe outbreaks of pest, pathogens, and insects will almost certainly arise as an impact of climate change. The UFC generally supports allowing exemptions to SMC 25.11 as articulated in the proposed 25.11.020.I. However, the proposed language is unclear. What type of insect infestation is cause for exemption? Arborists have shared that they are often asked to remove trees because termites have been observed. Termites do not typically attack live wood, and so are unlikely to be cause for removal. Clarifying the conditions and general types of pests, insects, and pathogens for this exemption would cover, as well as the process for performing removal or reportable work on trees infested tress, will aid arborists.

Commented [20]: These two DRs were requested by the Seattle Arborist Association