

September 6, 2019

MEMORANDUM

To: Finance & Neighborhoods Committee
From: Aly Pennucci & Yolanda Ho, Analysts
Subject: Resolution 31902: Update to City Tree Regulations

On Wednesday, September 11, 2019, the Finance and Neighborhoods Committee will discuss and may vote on [Resolution 31902](#). This resolution represents the joint commitment by the Council and the Mayor to work on updating tree regulations, led by the Seattle Department of Construction and Inspections and supported by the Office of Sustainability and Environment. This memorandum provides (1) background information on previous and ongoing City's efforts to manage trees; (2) briefly summarizes the process the City of Portland followed to update its tree regulations; and (3) describes Resolution 31902.

Background

There are nine City departments that have a role in managing Seattle's urban forest. The Office of Sustainability and Environment (OSE) coordinates citywide policy development, updates the Urban Forestry Management Plan, and provides administrative support for the Urban Forestry Commission. The Seattle Department of Transportation (SDOT) manages trees in the public right-of-way (ROW). Finance and Administrative Services (FAS), Seattle Center, Seattle Parks and Recreation (Parks), and Seattle Public Utilities (SPU) manage trees on City-owned property. SPU also engages community in urban forest stewardship on both private property and in the ROW. Seattle City Light (SCL) maintains trees near power lines, while the Department of Construction and Inspections (SDCI) and the Office of Planning and Community Development (OPCD) develop policies/plans, as well as enforce tree regulations on private property.

Management of Seattle's urban forest is guided primarily by the [Urban Forest Management Plan](#) (UFMP) to maintain and enhance a thriving, diverse urban forest. In 2007, the UFMP established a goal of increasing Seattle's tree canopy 30 percent tree canopy cover by 2037¹ and provided general strategies for accomplishing this goal. The 2013 UFMP update contained more specific actions, including a recommendation to update the "existing regulatory framework to promote the goals of the plan and mitigate impacts of development, while providing flexibility for property owners to balance multiple goals and competing uses."²

Recent efforts to update tree preservation and protection regulations have focused primarily on trees on private property as described herein.

¹ The City of Seattle conducted a [tree canopy study](#) in 2016 and found that 28 percent of Seattle is covered with trees, with the majority of urban trees (72 percent) located in residential areas.

² Seattle's [2013 Urban Forest Stewardship Plan](#), p. 70.

Council-led initiatives to update tree regulations

Led by the City Council, Seattle's regulations regarding tree protection and preservation on private property were initially codified in 2001 and later amended in 2009 with interim tree protection measures. The interim measures reinforced limits on the removal of exceptional trees³ and set an annual limit on removing trees six inches in diameter at breast height (measured at 4.5 feet above average grade) from developed lots. Subsequent attempts to create a comprehensive approach to tree protection and preservation have started and stopped over the years.

In 2010, Council requested that the Department of Planning and Development (DPD, now SDCI) update tree regulations on private property. Based on feedback on the initial draft regulations, DPD released an updated draft to the public in 2012. Though the proposed changes did not move forward, some ideas were included in the recent citywide Mandatory Housing Affordability (MHA) legislation, specifically the new tree planting requirements for Residential Small Lot zones. Council resumed efforts to update tree regulations again in 2018, but stalled due to community opposition to the proposed changes.

Executive-led initiatives to update tree regulations

While the Executive has not initiated changes to regulations for trees on private property, it has taken steps to improve coordination among the City departments that have a role in managing Seattle's urban forest. In October 2016, the Mayor directed executive departments to improve urban forestry-related services to residents and established a new organizational structure consisting of an Urban Forestry Sub-cabinet, Urban Forestry Core team, and an Urban Forestry Inter-department Team (IDT) to facilitate coordination:

- *Urban Forestry Sub-cabinet:* Consists of directors of all nine departments with urban forestry mandates, tasked with meeting twice a year to set citywide tree priorities.
- *Urban Forestry Core Team:* Staff from key departments (Parks, SPU, SDOT, SDCI, SCL, and OSE) are tasked with crafting the work plan to deliver the sub-cabinet's identified priorities and rapid responses to emerging situations.
- *Urban Forestry IDT:* Meets monthly to work on strategies and tactics to support urban forestry goals, share information on day-to-day operations, and elevate issues to the Core Team.

One of the Core Team 2017 work plan items directed SDCI and OSE to evaluate tree regulations and their effectiveness in protecting the Seattle's urban forest. The research revealed that current regulations and enforcement practices were not supporting tree protection. Unrelated to development, the research confirmed that exceptional trees and groves have been removed,

³ Exceptional tree" means a tree or group of trees that because of its unique historical, ecological, or aesthetic value constitutes an important community resource, and is deemed as such by the Director according to standards promulgated by the Seattle Department of Construction and Inspections.

with most removals occurring in Environmentally Critical Areas,⁴ particularly landslide-prone areas, and that new development has contributed to the loss of trees, despite tree planting requirements in single-family zones. Conifers and large trees are being removed while new trees tend to be smaller and/or deciduous. Additionally, permit applicants appeared to be intentionally misidentifying exceptional trees as hazardous⁵ allowing them to remove trees and avoid replacement requirements.

The analysis and recommendations informed [Executive Order \(EO\) 2017-11](#). The EO identified actions for SDCI and OPCD to “advance protection of Seattle’s urban trees and canopy coverage.” SDCI has or is working on updating or creating Director’s Rules regarding Exceptional Trees and Hazard Trees, and is working on updating the permitting system to improve tracking of tree data. Additional coordination and customer service efforts in recent years include:

- Launch of Trees for Seattle (T4S) brand, replacing Seattle reLeaf
- Consolidation of tree-related resources on T4S website - <http://www.seattle.gov/trees/>
- Establishment of a one-stop shop for the public to engage with the City via email treesforseattle@seattle.gov (triaged by OSE) and phone 206-684-8733 (triaged by SDOT)

Portland’s process for updating tree regulations

Stakeholders in Seattle have expressed an interest in using the City of Portland’s approach as a model. Portland adopted new tree regulations in April 2011 after a multi-year process. The following is a brief description of how Portland was able to develop and implement their regulations.

In response to a 2005 community-generated report that described concerns regarding tree protection and preservation, the Portland City Council initiated the Citywide Tree Project in fiscal year 2007-08. The report highlighted concerns, many of which are also issues in Seattle, such as loss of trees due to development and tree damage during construction; the effectiveness and monitoring of tree replacement requirements; and the effectiveness of tree-related code enforcement.

To address these concerns, Portland completed an intensive process to engage stakeholders, develop legislation, and phase-in implementation of the new regulations. The process included convening a stakeholder discussion group that represented a variety of interests. The group met over several months, providing advice to the City on potential changes that informed development of a draft proposal that was released for public and internal stakeholder in

⁴ "Environmentally critical area" means wetlands, fish and wildlife habitat conservation areas, frequently flooded areas and geologically hazardous areas as designated in Section 25.09.020 and located in [Section 25.09.030](#), as incorporated by reference into [Section 23.60A.156](#).

⁵ "Hazardous tree" means any tree or tree part that poses a high risk of damage to persons or property, and that is designated as such by the SDCI Director according to the tree hazard evaluation standards established by the International Society of Arboriculture.

advance of the formal legislative process. Most of the regulations were originally to be implemented in February 2013, but due to budget constraints, implementation was delayed until January 2015.

Resolution 31902

Informed by the approach that the City of Portland took to complete a robust public outreach process prior to drafting legislation and implementing new regulations, Resolution 31902 lays out a number of strategies that the City is committed to exploring in 2020, which will include:

1. Retaining protections for exceptional trees and expanding the definition of exceptional trees.
2. Adopting a definition of significant trees as trees at least six inches in diameter, and creating a permitting process for the removal of these trees.
3. Adding replacement requirements for significant tree removal.
4. Simplifying tree planting and replacement requirements, including consideration of mitigation strategies that allow for infill development while balancing tree planting and replacement goals.
5. Reviewing and potentially modifying tree removal limits in single-family zones.
6. Establishing an in-lieu fee option for tree planting.
7. Tracking tree removal and replacement on both public and private land throughout Seattle.
8. Providing adequate funding to administer and enforce tree regulations.
9. Requiring all tree service providers operating in Seattle to meet minimum certification and training requirements and register with the City.

It also outlines the following specific actions to pursue that will result in legislation to update City policies, practices, and regulations related to trees in Seattle:

- Develop a project scope and conduct technical analysis;
- Analyze the Urban Forestry Commission recommendations previously shared with the Mayor and the Council;
- Develop and execute a community engagement plan;
- Use the feedback received during the community engagement process and results of technical analyses to prepare recommendations;
- Assess resource needs to administer and enforce proposed changes; and
- Conduct State Environmental Policy Act (SEPA) analysis and issue a SEPA determination.

The goal is to complete these actions in 2020 unless procedural limitations cause a delay or if issues arise during the technical analysis and community engagement that require additional time to address. SDCI and OSE will report quarterly to the Chair of the Planning, Land Use and Zoning Committee, or its successor committee, on progress made on completing these actions and provide timely notice if they anticipate the work extending beyond 2020.

cc: Kirstan Arestad, Exec Director