

Seattle Urban Forestry Commission

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John Hushagen • Kirk Prindle • Jeff Reibman • John Small • Peg Staeheli

Dear Seattle City Council members,

The Urban Forestry Commission is pleased to present City Council with this preliminary assessment of the Department of Planning and Development's Proposed Tree Regulations, released July 14th 2010.

BOLD ACTION IS NEEDED TO ACHIEVE SEATTLE'S TREE CANOPY COVERAGE GOAL OF 30% BY 2037.

An updated and improved tree ordinance will be the primary tool to achieve that goal. As stated in Resolution 31138 Council requested DPD to "submit a comprehensive set of regulations and incentives to limit the removal of trees and promote the retention and addition of trees within the City of Seattle on both private and public property"

To achieve the goals of the Urban Forest Management Plan and the spirit of resolution 31138 the city must:

- Recognize the urban forest as a key component of the City's critical infrastructure.
- Understand the value of trees
- Align regulations inside and outside of development
- Consider canopy coverage in all regulatory decisions
- Value the preservation of existing trees along with the planting of new trees.

The commission believes that the deregulatory nature of the proposed changes neither preserves nor enhances Seattle's Urban Forest, leaving it more vulnerable to attrition.

ASSESSMENT OF CANOPY TRENDS

The proposal is premised on survey findings that appear to indicate a trend in canopy cover increase. We question those findings. The best available data on canopy coverage was derived by comparing surveys conducted in 2003 and 2007, that showed an overall coverage of 22.5% and 22.9% respectively. It is important to note that these studies give no explicit margin of error. Sampling techniques are far from perfect, and the slight increase in canopy between 2003 and 2007 may not even exist once a margin of error is taken into account.

REGULATIONS DURING DEVELOPMENT

The DPD's proposal depends largely on two flexible credit systems to formulate landscape standards during development: the existing Green Factor system which applies to multifamily and commercial lots, and the proposed Tree Credit system for single family lots. We support this approach in principle, but feel that both systems need further modification to promote retention of existing trees.

The Green Factor does not require trees; in fact, its requirements can be met entirely through other landscape elements. In our previous analysis of the low rise code update we found that the Green Factor is not an effective tool for existing tree retention. We continue to strongly recommend further changes to the Green Factor to make it an effective tool for achieving the City's canopy goals on multifamily areas undergoing development.

The proposed tree credit in single family zones appears to be a positive approach to incentivize tree retention on single family parcels undergoing development. We support the concept and will further analyze the specifics and make recommendations on how the system can best support canopy coverage goals for those areas.

REGULATIONS OUTSIDE OF DEVELOPMENT

The proposal lacks a regulatory strategy for dealing with areas outside development and goes further to remove the existing protection of exceptional trees. Yet on any given year, more than 99.5% of the city's land area is not subject to the development process. For DPD to abandon all attempts to regulate tree removal on the vast majority of parcels in the city is unacceptable.

This is particularly troublesome for trees that have lived to see the city rise over the past century. They would be vulnerable to removal without any consideration at all.

Lacks protection for gains achieved during development

Combined, the Green Factor and the new incentives in the Tree Credit system could play a critical role in the canopy coverage over the next 50 - 100 years, but only if there are mechanisms in place to retain those gains after the development cycle is complete. However, the proposed lack of regulation outside development, threatens any canopy gain achieved during development, as the trees on these parcels will again become unprotected once the development process is complete.

The Commission believes that permit options for tree removal in land that is not subject to development were not adequately explored. Other cities in the region and across the country have effectively implemented permitting systems and created enforcement mechanisms that work. We reiterate our support for further investigation into a permit system for tree removal outside development areas, as suggested in Council Resolution 31138.

SUMMARY

The removal of all tree protection outside of land that is undergoing development puts this proposal significantly at odds with the spirit of council resolution 31138. Council clearly seeks to enhance tree protection and increase Seattle's urban forest canopy.

In the coming months the Urban Forestry Commission will make more specific recommendations on how this proposal can be strengthened. In particular, we will explore the addition of a system for permitting tree removal outside development, and for recognizing the value of significant trees as an essential part of the city's public infrastructure.

Thank you for the opportunity to provide this preliminary comment on DPD's new proposed tree regulations. We maintain that the public process outlined by DPD for the next several months should be inclusive of all interested parties and should be responsive to issues identified in that process. The Urban Forestry Commission expect to continue to engage DPD staff and City Council throughout the public comment period and into the legislative process in order to arrive at an acceptable outcome that supports the city's urban forest management goals.

Sincerely,

The City of Seattle Urban Forestry Commission

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