

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to land use and urban forestry; adding a tree service provider registration procedure and requirement; adding a new Section 25.11.095 to the Seattle Municipal Code; and amending Sections 25.11.020, 25.11.050, 25.11.090, and 25.11.100 of the Seattle Municipal Code.

..body

WHEREAS, the City has no single department with authority over conservation of the City’s urban forest resources; and

WHEREAS, the City has repeatedly recognized that all trees bigger than 6 inches in diameter at a height of 4 1/2 feet above the ground (also known as “diameter at breast height” or “DBH”) are a significant resource as part of Seattle’s urban forest; and

WHEREAS, the City has different requirements for persons who may evaluate, care for, remove, and plant trees within the City, with the Department of Transportation requiring registration of tree service providers who do tree work on City rights-of-way, and the Seattle Department of Construction and Inspections having no registration requirements to support the implementation of standards for tree removal or major pruning of trees on privately-owned land; and

WHEREAS, land development has the potential to greatly impact the conservation or loss of urban forest resources on both private and public land; and

WHEREAS, the lack of a City-wide arborist registration requirement is resulting in considerable loss and damage to the City’s urban forest resources including disparate impacts on communities already impacted by climate change; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

This draft Council Bill reflects the policy intent of proposed regulations. Changes may be made prior to introduction.

1 Section 1. The City Council finds and declares that:

2 A. City Comprehensive Plan Policy EN 1.2 calls for an “increase [of] citywide tree
3 canopy coverage to 30 percent by 2037 and to 40 percent over time.”

4 B. The current condition of Seattle’s urban forest reflects a history of environmental
5 injustice with disparate climate change impacts and other harmful public health outcomes (Benz
6 and Burney (July 2021), "Widespread Race and Class Disparities in Surface Urban Heat
7 Extremes Across the United States" (<https://doi.org/10.1029/2021EF002016>); Hoffman, et al.
8 (January 2020), “The Effects of Historical Housing Policies on Resident Exposure to Intra-Urban
9 Heat: A Study of 108 US Urban Areas (<https://doi.org/10.3390/cli8010012>), Wolf, et al. (2020)
10 “Urban Trees and Human Health: A Scoping Review ([https://www.mdpi.com/1660-
11 4601/17/12/4371](https://www.mdpi.com/1660-4601/17/12/4371))).

12 C. The City is experiencing numerous losses of significant trees and areas of its urban
13 forest canopy, both through the land subdivision and development permitting processes and
14 through legal and illegal removal of large significant and exceptional trees (2016 Seattle Tree
15 Canopy Assessment; 2017 Tree Regulations Research Project; May 12, 2021 letter from Urban
16 Forestry Commission to the Director of the Seattle Department of Construction and Inspections).

17 D. City registration and regulation of persons and entities who are empowered to
18 significantly impact Seattle’s urban forest would result in more accurate evaluations and
19 consideration of the health and protection of the City’s urban forest resources.

20 E. A City requirement that registered arborists be involved in the land subdivision and
21 development processes would further the policies of Seattle Municipal Code Sections 23.22.054
22 and 23.24.040 that developments be “designed to maximize the retention of existing trees.”

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1 F. City-required registration and regulation of arborists is likely to result in fewer
2 incidents of illegal tree removal.

3 Section 2. A new Section 25.11.095 is added to the Seattle Municipal Code as follows:

4 **25.11.095 Tree service provider registration**

5 A. Applicability

6 1. This Section 25.11.095 establishes a public registration system for tree service
7 providers operating within Seattle.

8 2. Within 90 days of the effective date of this ordinance, the Director shall
9 establish a tree service provider registration application process and public registry. Starting 90
10 days after the Director has established the application process and public registry, no tree service
11 provider may conduct commercial tree work unless it is listed on the City's tree service provider
12 public registry. The Director may promulgate rules as needed to support administration of the
13 application process and public registry.

14 3. Any commercial tree work must be done by a registered tree service provider.

15 4. This Section 25.11.095 does not regulate commercial tree work under the
16 jurisdiction and oversight of the Department of Transportation, the Seattle Parks and Recreation
17 Department, the Department of Finance and Administrative Services, Seattle Public Utilities, or
18 the City Light Department.

19 B. Tree service provider registration required. A tree service provider must be registered
20 by the Director before it may conduct commercial tree work unless otherwise provided in
21 subsection 25.11.095.A. A tree service provider registration shall be valid for one year from the
22 date of issuance. The Director shall publish a registry of registered tree service providers on a
23 City web page available to the public. Registered tree service providers are required to renew

1 their registration annually. Annual registration renewals shall require submittal to the Director of
2 documentation of continued compliance with this Chapter 25.11, provided that renewal may be
3 denied pursuant to any rules administering this Section 25.11.095 or as provided in Section
4 25.11.100. A tree service provider registration shall be issued by the Director to each applicant
5 meeting the following requirements:

- 6 1. Possesses a current and valid Seattle business license;
- 7 2. Has at least one employee who is a currently credentialed International Society
8 of Arboriculture (ISA) certified arborist trained and knowledgeable to conduct work in
9 compliance with American National Standards Institute (ANSI) Standard A-300 or its successor
10 standard;
- 11 3. Has at least one employee who is currently credentialed with an ISA Tree Risk
12 Assessment Qualification if engaging in commercial tree work involving hazardous trees;
- 13 4. Acknowledges in writing knowledge of City codes applicable to commercial
14 tree work;
- 15 5. Is not currently under suspension from registration under Section 25.11.100 and
16 does not have any outstanding fines or penalties related to commercial tree work activities owed
17 to The City of Seattle;
- 18 6. Possesses a current and valid Washington State contractor registration under
19 chapter 18.27 RCW; and
- 20 7. Possesses a current certificate of insurance with an amount of insurance
21 coverage determined by the Director.

22 C. Tree service provider activities

1 1. A registered tree service provider shall comply with the following public notice
2 requirements prior to conducting commercial tree work:

3 a. Post at least three days in advance of conducting any commercial tree
4 work in a safe location at or adjacent to the commercial tree work site in a manner clearly visible
5 from the public right-of-way, a copy of the tree service provider registration under which the
6 commercial tree work is being conducted; and

7 b. Include a brief description of the commercial tree work the registered
8 tree service provider is conducting that exceeds normal and routine pruning operations and
9 maintenance or that involves removal of any trees 6 inches or greater diameter at breast height
10 and identify whether said tree meets the City’s definition of exceptional.

11 2. A registered tree service provider is responsible for complying with best
12 practices applicable to the particular commercial tree work for which they are retained,
13 including:

14 a. Determination of the commercial tree work needed to justify removal or
15 pruning outside of the routine pruning operations and maintenance in order to meet the
16 objectives of the hiring entity; and

17 b. Maintaining adequate supervisory control over workers conducting
18 commercial tree work under their direct supervision.

19 Section 3. Section 25.11.020 of the Seattle Municipal Code, last amended by Ordinance
20 124919, is amended as follows:

21 **25.11.020 Definitions**

22 "Commercial tree work" means any of the following actions conducted within the City of
23 Seattle in exchange for financial or other remuneration or personal benefit: major pruning as

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1 defined in Section 15.02.046; removal of trees larger than 6 inches DBH; the planting of trees to
2 replace removed trees larger than 6 inches DBH; and the assessment of the health or hazard risk
3 of trees larger than 6 inches DBH. Normal and routine pruning operations that do not meet the
4 definition of major pruning are not commercial tree work.

5 “Diameter at breast height” or “DBH” means the diameter of a tree trunk measured at 4.5
6 feet above ground. Diameter at breast height is equivalent to “diameter at standard height” or
7 “DSH.”

8 * * *

9 "Tree removal" means removal of a tree(s) or vegetation, through either direct or indirect
10 actions including, but not limited to, clearing, topping or cutting, causing irreversible damage to
11 roots or trunks; poisoning; destroying the structural integrity; and/or any filling, excavation,
12 grading, or trenching in the dripline area of a tree which has the potential to cause irreversible
13 damage to the tree, or relocation of an existing tree to a new planting location.

14 “Tree service provider” means any person or entity engaged in commercial tree work.

15 * * *

16 Section 4. Section 25.11.050 of the Seattle Municipal Code, last amended by Ordinance
17 124919, is amended as follows:

18 **25.11.050 General ((Provisions)) provisions for exceptional tree determination and tree**
19 **protection area delineation in Single-family, Residential Small Lot, Lowrise, Midrise, and**
20 **Commercial zones((:))**

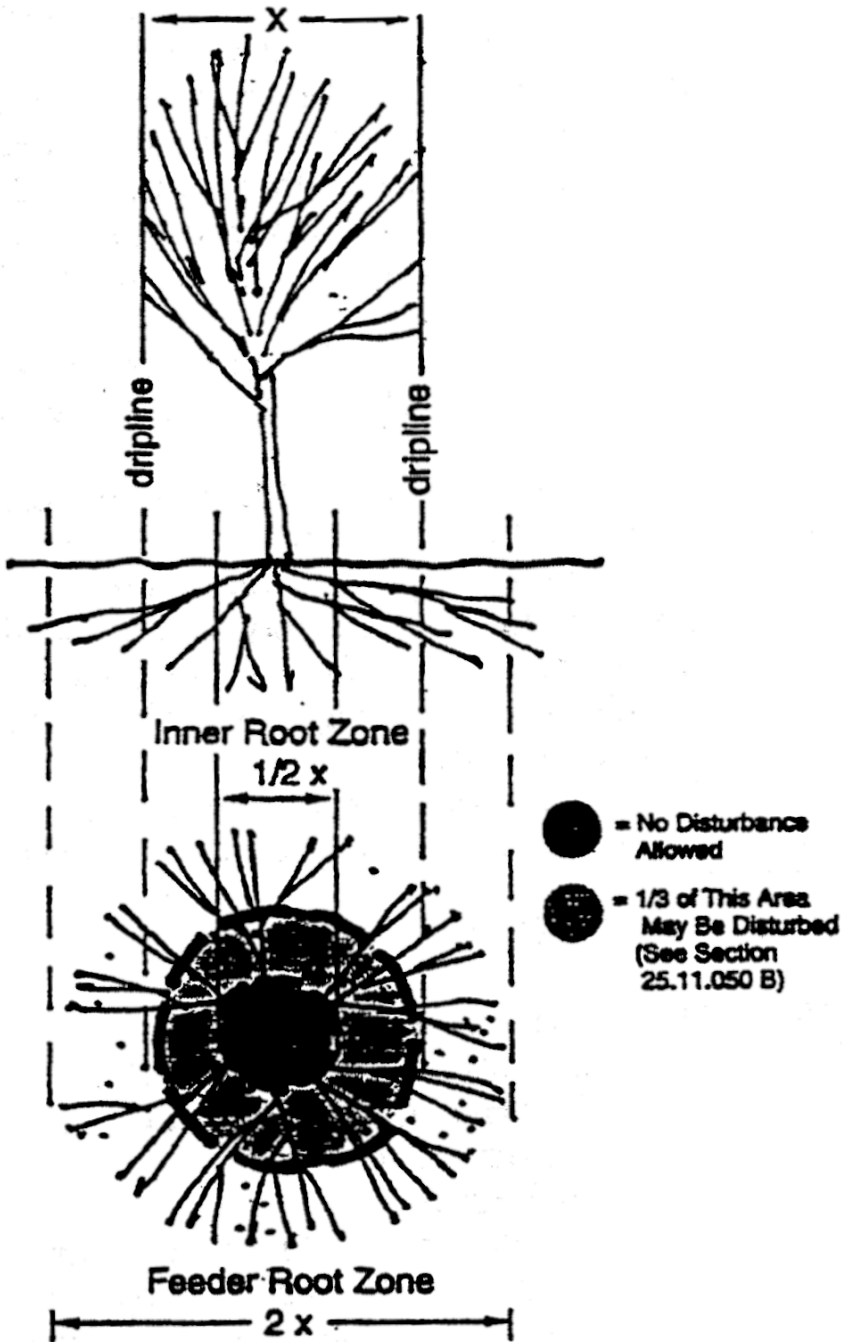
21 A. Exceptional trees and potential exceptional trees shall be identified on site plans and
22 exceptional tree status shall be determined by the Director according to standards promulgated
23 by the Seattle Department of Construction and Inspections.

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1 B. Tree protection areas for exceptional trees shall be identified on site((s)) plans.
2 Applicants seeking development standard waivers to protect other trees greater than ((two
3 ~~)2(+)) feet in diameter measured ((four and one half ~~)4.5(+)) feet above the ground shall also
4 indicate tree protection areas on site plans. The basic tree protection area shall be the area within
5 the drip line of the tree. The tree protection area may be reduced if approved by the Director
6 according to a plan prepared by a ((tree care professional)) registered tree service provider. Such
7 reduction shall be limited to ((one-third)) 1/3 of the area within the outer half of the area within
8 the drip line. In no case shall the reduction occur within the inner root zone. In addition, the
9 Director may establish conditions for protecting the tree during construction within the feeder
10 root zone. (See Exhibit 25.11.050 B.)~~~~

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2 Exhibit 25.11.050 B

3 C. If development standards have been modified according to the provisions of this
4 ((chapter)) Chapter 25.11 to avoid development within a designated tree protection area, that
5 area shall remain undeveloped for the remainder of the life of the building, and a permanent

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1 covenant stating this requirement shall be recorded in the King County (~~Office of Records and~~
2 ~~Elections~~) Recorder's Office.

3 D. The Director may require a tree protection report by a (~~tree care professional that~~)
4 registered tree service provider who provides the following information:

5 1. Tree evaluation with respect to its general health, damage, danger of falling,
6 proximity to existing or proposed structures, and/or utility services;

7 2. Evaluation of the anticipated effects of proposed construction on the viability
8 of the tree;

9 3. A hazardous tree assessment, if applicable;

10 4. Plans for supervising(~~ing~~) and/or monitoring implementation of any required
11 tree protection or replacement measures; and

12 5. Plans for conducting post-construction site inspection and evaluation.

13 E. The Director may condition Master Use Permits or Building Permits to include
14 measures to protect tree(s) during construction, including within the feeder root zone.

15 Section 5. Section 25.11.090 of the Seattle Municipal Code, enacted by Ordinance
16 120410, is amended as follows:

17 **25.11.090 Tree replacement and site restoration(~~ing~~)**

18 A. Each exceptional tree and tree over (~~two (2)~~)2(~~+~~) feet in diameter that is removed in
19 association with development in all zones shall be replaced by one or more new trees, the size
20 and species of which shall be determined by the Director; the tree replacement required shall be
21 designed to result, upon maturity, in a canopy cover that is at least equal to the canopy cover
22 prior to tree removal. Preference shall be given to on-site replacement. When on-site replacement

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1 cannot be achieved, or is not appropriate as determined by the Director, preference for off-site
2 replacement shall be on public property.

3 B. No tree replacement is required if the ~~((+))~~ tree is: (1) hazardous, dead, diseased,
4 injured, or in a declining condition with no reasonable assurance of regaining vigor as
5 determined by a ~~((tree care professional,))~~ registered tree service provider; or (2) ~~((the tree is))~~
6 proposed to be relocated to another suitable planting site as approved by the Director.

7 Section 6. Subsection 25.11.100.A of the Seattle Municipal Code, which section was last
8 amended by Ordinance 123633, is amended as follows:

9 **25.11.100 Enforcement and penalties~~((:))~~**

10 A. Authority~~((:))~~

11 1. The Director shall have authority to enforce the provisions of this ~~((chapter))~~
12 Chapter 25.11, to issue permits, impose conditions and establish penalties for violations of
13 applicable law or rules by registered tree service providers, ~~((and))~~ establish administrative
14 procedures and guidelines, conduct inspections, and prepare the forms and publish Director's
15 Rules that may be necessary to carry out the purposes of this ~~((chapter))~~ Chapter 25.11.

16 2. The Director shall not accept any report containing, or approve any application
17 relying on, information regarding trees or commercial tree work authored or prepared by or on
18 behalf of a person whenever the Director has issued a notice of violation regarding that person's
19 actions occurring on or after the effective date of this ordinance that result in the removal of an
20 exceptional tree, unless such notice of violation by the City has been withdrawn or overturned on
21 appeal as provided in subsection 25.11.100.E or as otherwise provided by law.

22 * * *

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1 Section 7. The provisions of this ordinance are separate and severable. The invalidity of
2 any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the
3 invalidity of its application to any person or circumstance, does not affect the validity of the
4 remainder of this ordinance or the validity of its application to other persons or circumstances.

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1 Section 8. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the _____ day of _____, 2021,
5 and signed by me in open session in authentication of its passage this _____ day of
6 _____, 2021.

7 _____
8 President _____ of the City Council

9 Approved / returned unsigned / vetoed this _____ day of _____, 2021.

10 _____
11 Jenny A. Durkan, Mayor

12 Filed by me this _____ day of _____, 2021.

13 _____
14 Monica Martinez Simmons, City Clerk

15 (Seal)

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