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**Jessica Hernandez** (Position #11 – Environmental Justice) • **Jessica Jones** (Position # 12 – Public Health)  
**Lia Hall** (Position #13 – Community/Neighborhood)

May 3, 2023

Seattle City Council Land Use Committee  
600 4th Ave  
Seattle, WA 98104

**RE: UFC feedback on proposed TPO amendments**

Dear members of the Seattle City Council Land Use Committee,

Duwamish Lands (Seattle, WA) – The Urban Forestry Commission (UFC) thanks you for your continuing attention to updating Seattle’s tree protection regulations.

Due to the timing of this process, it was not possible for the UFC to review and make recommendations on all of the amendments that may be voted on at the Land Use Committee’s May 4 meeting. **The UFC requests additional time to review and provide feedback.** The recommendations the UFC was able to get through are included in this letter.

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					
#	No.	Short title	Sponsor(s)	UFC recommendation	UFC Notes
1	A2	Development area percentage in Midrise, Commercial and Seattle Mixed zones	Strauss	<b>OPPOSE (see note above)</b>	The UFC has heard concern that if the 85% or 100% hardscape allowance moves forward, there could be a legal challenge to it.
2	A6	Maintain current FAR method for determining when trees can be removed in Lowrise, Midrise and Seattle Mixed zones	Pedersen	<b>SUPPORT</b>	The 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	<b>SUPPORT</b>	
4	A3	Development standard modifications	Strauss	<b>SUPPORT</b>	
5	A5	Tier 2 tree removal allowance and accessory dwelling units	Strauss	<b>OPPOSE</b>	There are already buildings that are narrower than 15' wide, and this amendments would reduce flexibility for saving Tier 2-Exceptional trees; doesn't necessarily serve tree protection.

G. Tree Protections During Development					
#	No.	Short title	Sponsor(s)	UFC recommendation	UFC Notes
6	A4	Calculation of lot coverage standard – tree protection areas	Strauss	<b>OPPOSE (see note above)</b>	
7	G2	Tree protection area delineation	Pedersen	<b>SUPPORT</b>	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	<b>SUPPORT</b>	This was included in the UFC’s April 7 recommendations.
9	G4	Off-site trees during development	Strauss	<b>SUPPORT</b>	

<b>C. Permit Review Process</b>					
#	No.	Short title	Sponsor(s)	UFC recommendation	UFC Notes
10	C1	Tree review improvements	Pedersen Strauss	<b>SUPPORT</b>	This is in line with past UFC guidance / recommendations
11	C2	Major Development Projects	Pedersen	<b>SUPPORT</b>	
12	C3	Tree Protection Areas and subdivisions, short subdivisions, and lot boundary adjustments	Pedersen	<b>SUPPORT</b>	The UFC recommended in their 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.
13	C4	Require certified arborist report and participation on application team	Pedersen	<b>SUPPORT</b>	

<b>E. In-Lieu Fees and Tree Replacement Requirements</b>					
#	No.	Short title	Sponsor(s)	UFC recommendation	UFC Notes
14	E2	Minimum in-lieu fee payment for Tier 1 and Tier 2 trees	Strauss	<b>OPPOSE (see note above)</b>	

15	E6	Codify and increase in-lieu fee amount	Pedersen	<b>SUPPORT</b>	UFC recommended this in the April 7, 2023 letter.
16	E4	Increase tree replacement requirements	Pedersen	<b>SUPPORT with caveats.</b> The UFC supports higher mitigation requirements, but requiring mitigation trees to average six inches DSH may not be practical or economical and may result in poor survivorship. Larger nursery stock tends to transplant poorly. For this reason, the UFC recommends removing the DSH requirement.	This recommended change to the replacement requirements was included in the UFC recommendations from January 4, 2023; the April 7 UFC recommendations updated the recommended replacement requirements: "The UFC recommends increasing mitigation requirements with increasing size of the removed tree."
17	E1	Relationship to Green Factor requirements	Strauss	<b>SUPPORT</b>	
18	E5	Off-site replacement in low-canopy areas	Pedersen	<b>SUPPORT</b>	
19	E8	Require replacement of failed replacement trees for ten years	Pedersen	<b>SUPPORT</b>	
20	E11	Relocated and replacement tree locations	Strauss	<b>SUPPORT</b>	

F. Tree Service Providers					
#	No.	Short title	Sponsor(s)	UFC recommendation	UFC Notes
21	F1	Exempt fruit trees and hedges from reportable work	Strauss	<b>SUPPORT</b>	This is a change in the UFC's opinion from the January 4 recommendation letter: "the UFC would not recommend exempting maintenance or removal of hedge trees from the definition of tree work in the ordinance." The UFC concern was for the possibility of creating a loophole for removing boundary trees, and that doesn't seem to a concern

					given the proposed language in F1.
22	F2	Penalties for unregistered tree service providers	Strauss	<b>SUPPORT</b>	
23	F3	Removal from tree service provider registry	Strauss	<b>SUPPORT</b>	
24	F4	Modification of definition for reportable work	Strauss	<b>SUPPORT</b>	<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 prove difficult to enforce.</p>

<b>H. Other Substantive Amendments</b>					
#	No.	Short title	Sponsor(s)	UFC recommendation	UFC Notes
25	G1	Street tree requirements in Neighborhood Residential and Commercial zones	Pedersen	<b>SUPPORT</b>	The UFC included these recommendations in the April 7 letter.

**Group II – Amendments to be considered as one group vote**

<b>B. Urban Forestry Programs and Budget</b>					
#	No.	Short title	Sponsor(s)	UFC recommendation	UFC Notes
1	B11	Create an attachment with requests for future work	Strauss	<b>SUPPORT</b>	
2	B2	Assistance for low-income residents	Pedersen Strauss	<b>SUPPORT</b>	This is generally in line with previous UFC recommendations related to reducing burdens of tree management and care for residents in low-income communities.

3	B3	Future Council actions to support urban forestry programs and enforcement	Strauss	<b>SUPPORT</b>	This responds to some of the questions the UFC posed around the Heritage Tree program in the April 7 recommendations letter.
4	B4	Reporting requirements	Pedersen	<b>SUPPORT</b>	UFC recommended these additional reporting requirements in the April 7 recommendations letter
5	B5	Outreach to residents and tree service providers	Morales	<b>SUPPORT</b>	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	<b>SUPPORT</b>	
7	B7	Tree fund	Pedersen	<b>SUPPORT</b>	The UFC recommended this in the April 7, 2023 letter.
8	B10	Urban forestry oversight improvements	Strauss	<b>LACK OF TIME TO REVIEW/DEVELOP RECOMMENDATION</b>	
<b>I. Non-Substantive Technical Amendments</b>					
<b>#</b>	<b>No.</b>	<b>Short title</b>	<b>Sponsor(s)</b>		
9	I1	Tree groves clarification	Pedersen Strauss	<b>SUPPORT</b>	This was included in the UFC April 7 recommendations letter.
10	I3	Emergency action clarification	Strauss	<b>LACK OF TIME TO REVIEW/DEVELOP RECOMMENDATION</b>	
11	I4	Tree service provider activities and qualifications clarification	Strauss	<b>LACK OF TIME TO REVIEW/DEVELOP RECOMMENDATION</b>	
<b>D. Tree Removals Outside of Development</b>					
<b>#</b>	<b>No.</b>	<b>Short title</b>	<b>Sponsor(s)</b>		
12	D1	Add exemption for tree removal due to pathogens	Strauss	<b>LACK OF TIME TO REVIEW/DEVELOP RECOMMENDATION</b>	
13	D3	Allow tree removal to avoid conflicts with utility infrastructure and building foundations	Strauss	<b>LACK OF TIME TO REVIEW/DEVELOP RECOMMENDATION</b>	
14	D5	Exemption for dead trees	Strauss	<b>LACK OF TIME TO REVIEW/DEVELOP RECOMMENDATION</b>	

15	D6	Exemption for invasive and nuisance species	Strauss	<b>SUPPORT</b>	The UFC recommended the SDCI Director develop a nuisance tree list.
16	D7	Exemption for developed lots with high-canopy cover	Strauss	<b>LACK OF TIME TO REVIEW/DEVELOP RECOMMENDATION</b>	
17	D8	Allow tree removal to improve access for the elderly and people with disabilities	Strauss	<b>LACK OF TIME TO REVIEW/DEVELOP RECOMMENDATION</b>	
<b>E. In-Lieu Fees and Tree Replacement Requirements</b>					
<b>#</b>	<b>No.</b>	<b>Short title</b>	<b>Sponsor(s)</b>		
18	E3	Authority to create Director's Rule for replacement trees	Herbold Pedersen Strauss	<b>LACK OF TIME TO REVIEW/DEVELOP RECOMMENDATION</b>	
19	E9	Prohibit applications for new development on sites with an active Tree Code notice of violation	Pedersen Strauss	<b>LACK OF TIME TO REVIEW/DEVELOP RECOMMENDATION</b>	
20	E10	Racial equity considerations and use of in-lieu fee revenues	Morales	<b>SUPPORT</b>	
<b>H. Other Substantive Amendments</b>					
<b>#</b>	<b>No.</b>	<b>Short title</b>	<b>Sponsor(s)</b>		
21	H1	Removal of invasives during development	Pedersen Strauss	<b>LACK OF TIME TO REVIEW/DEVELOP RECOMMENDATION</b>	
22	H2	Add benefit and goals recitals and modify purpose and intent	Strauss	<b>LACK OF TIME TO REVIEW/DEVELOP RECOMMENDATION</b>	
23	H4	Process for modifications to Tree Code requirements for excess mitigation or severe economic hardship	Strauss	<b>LACK OF TIME TO REVIEW/DEVELOP RECOMMENDATION</b>	

Sincerely,



Josh Morris, Co-Chair

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Becca Neumann, Co-Chair



Laura Keil, Co-Chair

CC: CM Debra Juarez, Lisa Herbold, Andrew Lewis, Kshama Sawant, Yolanda Ho, Naomi Lewis, Toby Thaler, Mayor Bruce Harrell, Adiam Emery, Christa Valles, Marco Lowe, Dan Nolte, Jessyn Farrell, Sharon Lerman

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